Building the State and the Nation in Kosovo and East Timor After Conflict

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Abstract

The study of externally-led democratisation in conflict-affected societies has expanded over the last two decades. The introduction of democracy from the outside has attracted extensive scholarly interest in accordance with the increasing engagement of the United Nations and other international agents in attempting to build long-lasting domestic, regional and international peace through promoting democratic forms of government in the post-Cold War era. The studies conducted to investigate democratisation in post-conflict societies have focused on the construction of government institutions and transferring necessary institutional competencies due to the fact that externally-driven democratisation policies target the state rather than the nation. In this respect, some studies undertaken to examine the process of democratisation in post-conflict societies pointed to the need for sequencing of tasks such as establishing security, law and order and building strong and capable government institutions in the first place. Their focus, however, has still remained on the state rather than the nation. Through examining two case studies, this thesis emphasises two significant points: 1) achieving successful democratic transformation in conflict-affected societies requires not only the construction of functioning central state institutions but also the creation of a shared sense of national community; and 2) sequencing of post-conflict reconstruction tasks therefore should also involve building a sense of national cohesion through promoting social communication, participation and inclusion in political, institutional and social processes while postponing the competitive or potentially conflictual aspects of democracy.

The need to integrate the creation of a sense of shared national community into studies of democracy promotion in societies emerging from conflict stems from the fact that the reconstruction of post-conflict societies involves two separate but complementary and interacting processes. These processes were examined under two headings: state-building and nation-building.

The construction of well-functioning, effective government institutions and the achievement of a sense of national community were found to be vital, inter-connected factors to consolidate democratic rule promoted by external actors. The lack of or a weak sense of social cohesion has an undermining effect on the capacity of state institutions to exercise authority and effectively and democratically perform their roles and duties. Failing to deliver their functions to the public and exercise political authority throughout the entire territory, weak state institutions, in return, do not provide a suitable environment for consolidating democratic rule, which requires the execution of the rule of law and protection and guaranteeing of citizens' political rights.

GLOSSARY

ADITLA – Associação Democrática para a Integração de Timor-Leste na Austrália (Australia Democratic Association for the Integration of East Timor with Australia)
APODETI – Associação Popular Democrática Timorense (Timorese Popular Democratic Association)
ASDT – Associação Social- Democrática Timorense (Timorese Social Democratic Assosication)
CAVR – Comissão de Acolhimento, Verdade e Reconciliação de Timor Leste (East Timor's Commission for Reception, Truth and Reconciliation)
CNRT – Conselho Nacional Resistência Timorense (National Council of Timorese Resistance)
CPD-RDTL – Conselho Popular de Defesa da República Democrática de Timor Leste (Popular Council for the Defence of the Democratic Republic of East Timor)
DPA – Department of Political Affairs
DPKO – Department of Peacekeeping Operations
FALINTIL – Forças Armadas de Libertaçao Nacional de Timor Leste (Armed Forces for the National Liberation of East Timor)
F-FDTL – Forças Armadas de Libertacao Nacional de Timor Leste-Forca de Defesa de Timor Leste (FALINTIL – Defence Force of Timor-Leste)
FRAP - FALINTIL Reinsertion Assistance Programme
FRETILIN – Frente Revolucionária de Timor Leste Independente (Revolutionary Front for an Independent East Timor)
IAC - Interim Administrative Council
IOM – International Organisation for Migration
JIAS – Joint Interim Administrative Structure
NATO – North Atlantic Treaty Organisation
KFOR – NATO-led Kosovo Force
KLA – Kosovo Liberation Army
KOTA – Klibur Oan Timor Aswain (Association of Timorese Heroes)
KPC - Kosovo Protection Corps
KPS – Kosovo Police Service
KTC – Kosovo Transitional Council
LDK – Lidhja Demokratike e Kosovës (Democratic League of Kosovo)
OHR – Office of High Representative
OSCE – Organisation for Security and Cooperation in Europe
PD – Partido Democratico (Democratic Party)
PDK – Partia Demokratike e Kosovës (Democratic Party of Kosovo)
PNTL – Polícia Nacional Timor Leste (National Police of Timor Leste)
RAE – Roma, Ashkali and Egyptians
SCIU – Serious Crimes Investigation Unit
SRSG – Special Representative of the Secretary-General of the United Nations
UDT – *União Democrática Timorense* (Timorese Democratic Union)
UNDP – United Nations Development Programme
UNAMET – United Nations Mission in East Timor
UNHCR – United Nations High Commissioner for Refugees
UNMIK – United Nations Interim Administration Mission in East Timor
UNTAET – United Nations Transitional Administration for East Timor

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Chapter One
Introduction

1.1. Setting of the Research

Since the demise of the bipolar world system, promoting liberal democratic governance has become an integral component of the United Nations' (UN) engagement in establishing long-lasting domestic and international peace. From Namibia and Mozambique in southern Africa and Afghanistan in Central Asia to Cambodia and East Timor in Southeast Asia and Bosnia-Herzegovina, Croatia and Kosovo in Southeast Europe, the UN, along with other international governmental and non-governmental agencies, has undertaken democratisation programmes with a view to preventing the recurrence of violent domestic conflicts in societies fragmented along ethnic, religious, cultural, regional or other lines. The transformation of conflict-torn societies into democratic polities through external intervention and assistance was based on the conviction that the democracy deficit underlies internal violent conflict. The introduction of democracy, in this context, is expected to help heal ethnic, religious and other lines of divisions; it therefore would break the 'cycle of violence' and establish durable peace.

The allocation and employment of large amounts of economic, military and financial resources by international agencies and individual states for democratic development assistance and the growth of a body of literature on international democracy promotion in post-conflict societies,[1] reflect an increasing, albeit

[1] See, among others, for example, Simon Chesterman, *You, the People: the United Nations, Transitional Administration, and State-Building*, first paperback edition (Oxford: Oxford University Press, 2005); James Dobbins *et al*., *America's Role in Nation-Building: From Germany to Iraq* (Santa Monica, CA: RAND, 2003); Idem, *The UN's Role in Nation-Building: From the Congo to Iraq* (Santa Monica, CA; Arlington, VA; Pittsburg, PA: 2005); Francis Fukuyama, *State-Building: Governance and World Order in the 21st Century* (Ithaca, New York: Cornell University Press, 2004); Larry Diamond, "Promoting Democracy in Post-Conflict and Failed States – Lessons and Challenges", *Taiwan Journal of Democracy*, 2:2 (December 2006), pp. 93-116; Michael Ignatieff, "Intervention and State Failure", *Dissent*, 49:1 (Winter 2002), pp. 115-123; Marina Ottaway, "Nation-Building",

selective, commitment of international actors to building institutional, normative and social foundations for democratic governance in conflict-affected societies. This interest in democracy promotion of the international community, i.e., a group of militarily, economically and industrially advanced states and multi-lateral regional and international agencies dominated by these states,[2] was influenced by the emergence of a new threat and security perception in the post-Cold War era. Intra-state violence caused by or resulting in the breakdown of formal government institutions, law and order, and societal coherence[3] has come to be regarded as the biggest threat to international peace and security.

The eruption in different parts of the world in the immediate post-Cold War era of a number of violent intra-state conflicts, associated with the breakdown of governmental institutional structures, shifted the focus from inter-state wars to internal characteristics of the states. The weakness or absence of efficient, legitimate and democratic government institutions came to be seen as the root cause of internal conflicts with repercussions for international peace and security. The international community's involvement in promoting liberal democratic principles and institutions in societies emerging from internal violence era derived from the revival of the perceived link between peace and liberal democracy: the liberal democratic peace premise, meaning 'democracies do not wage war against each other'.[4] Stemming

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Foreign Policy, 132 (September-October 2002a), pp. 16-24; Idem, "Rebuilding Institutions in Collapsed States", *Development and Change*, 33:5 (November 2002b), pp. 1001-1023; Roland Paris, *At War's End: Building Peace After Civil Conflict*, (Cambridge, New York: Cambridge University Press, 2004); Robert I. Rotberg, "The New Nature of Nation-State Failure", *The Washington Quarterly* 25:3 (Summer 2002a), pp. 85-96; Idem, *State Failure and State Weakness in a Time of Terror* (Washington, DC: Brookings Institution Press, 2003); Idem, *When States Fail: Causes and Consequences* (Princeton, NJ: Princeton University Press, 2004); John J. Hamre and Gordon R. Sullivan, "Toward Postconflict Reconstruction", *The Washington Quarterly*, 25:4 (Autumn 2002), pp. 85–96; Susan E. Rice, "The New National Security Strategy: Focus on Failed States", *Brookings Policy Brief* 116 (February 2003).

[2] This definition of the term "international community" derives from Ottaway, 2002b, p. 1001.

[3] I. William Zartman, "Introduction: Posing the Problem of State Collapse", I. William Zartman (ed.), *Collapsed States: The Disintegration and Restoration of Legitimate Authority* (Boulder: Lynne Rienner Publishers, 1995a), pp. 5-6; Gerald B. Helman and Steven R. Ratner, "Saving Failed States", *Foreign Policy* 89 (Winter 1992-3), pp. 3-20; K. J. Holsti, *The State, War, and the State of War* (Cambridge; New York: Cambridge University Press, 1996).

[4] For further information on liberal democratic peace thesis, see, among others, Michael W. Doyle, "Kant, Liberal Legacies, and Foreign Affairs" *Philosophy and Public Affairs* 12:3 (Summer 1983), pp. 205-235; Bruce Russett and Harvey Starr, "From Democratic Peace to Kantian Peace: Democracy and Conflict in the International System", Manus I. Midlarsky (ed.), *Handbook of War Studies II* (Ann Arbor: University of Michigan Press, 2000). For a discussion of the scholarly development of liberal

from the view that lack of democracy or deficiencies in establishing and maintaining democratic rule underlies violent domestic conflicts with a potential to threaten regional and international security and stability,[5] democracy promotion has come to be seen as a solution to address internal conflicts and create a functional government.

The UN and other regional and international agencies, including non-governmental organisations (NGOs), as well as individual states increasingly engaged in the post-Cold War era in building a stable, long-lasting peace through establishing functioning, democratic public institutions and social structures. This engagement can be grouped into the following categories:

1. Rapid democratisation through providing electoral assistance: With the aim of breaking with the violent past and transforming conflict-torn societies into a peaceful, democratic future after years of internal strife and turmoil, the UN has provided electoral assistance to a number of countries. The forms of UN electoral assistance activities ranged from the supervision of elections such as in Namibia[6] and the verification of elections such as in Nicaragua,[7] Angola,[8] Mozambique[9] and El Salvador,[10] to the co-

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democratic peace thesis, see Paris, 2004, pp. 40-51.

[5] See, for example, Boutros Boutros-Ghali, "An Agenda for Peace: Preventive Diplomacy, Peace-making, and Peace-keeping", *UN Document A/47/277 - S/24111*, (17 June 1992), http://www.un.org/Docs/SG/agpeace.html [accessed 14 March 2006]; Idem, "Supplement to an Agenda for Peace", UN Document, A/50/60-S/1995/1, (3 January 1995), http://www.un.org/Docs/SG/agsupp.html [accessed 14 March 2006]; Idem, *An Agenda for Democratization*, (New York: United Nations, 1996); United Nations, *An Inventory of Post-Conflict Peace-Building Activities*, (New York: United Nations, 1996), http://pbpu.unlb.org/pbpu/library/Document2.pdf [accessed 15 March 2006]; Kofi Annan, "The Causes of Conflict and the Promotion of Durable Peace and Sustainable Peace in Africa", *Report of the Secretary-General to the Security Council*, UN Document S/1998/318, (16 April 1998) http://www.un.org/ecosocdev/geninfo/afrec/sgreport/index.html [accessed 22 April 2006]; Idem, "Why Democracy Is an International Issue", Cyril Foster Lecture by Secretary-General at Oxford University, *UN Press Release*, SG/SM/7850, (19 June 2001) http://www.un.org/News/ossg/sg/stories/statments_search_full.asp?statID=11 [accessed 22 April 2006]. For a discussion of the impact of the revived liberal democratic peace thesis in the post-Cold War era on the changing nature and goal of UN peace operations from peacekeeping to peace-building, i.e. shifting from the deployment of unarmed or lightly armed peacekeeping forces to monitor a cease-fire agreement concluded between belligerents towards building sustainable peace through undertaking rapid democratisation and liberalisation programmes, see Paris, 2004, pp. 13-39.

[6] UN/Doc. S/RES/632 (1989).

[7] UN/Doc. S/RES/637 (1989).

[8] UN/Doc. S/RES/696 (1991).

[9] UN/Doc. S/RES/797 (1992).

[10] UN/Doc. S/RES/832 (1993).

ordination and provision of support to international observers requested by governments such as in Kenya, Ethiopia, Malawi, Armenia and Azerbaijan and providing technical assistance to a number of countries in such electoral areas as the preparation of an electoral budget, drafting of electoral laws, organisation of training and civic education programmes, and the design and implementation of logistical plans.[11] The organisation of elections in post-conflict countries was seen symbolising the development of multiparty democratic politics that would supposedly prevent political exclusion, violence and human rights violations and thus serve to establish long-lasting peace.[12]

2. Supervising post-war transition to democracy through temporarily assuming administrative functions and civilian authority in a member state: Through exercising "direct control" in key areas of foreign affairs, defence, security, finance and information, the UN assumed a transitional government role in Cambodia in the early-1990s leading to the organisation of free and fair parliamentary elections and handover of governmental powers and responsibilities to the elected Cambodian government.[13] The UN's transitional role aimed to facilitate the implementation of the peace agreement negotiated by the former warring Cambodian factions to end the decades-old civil war and transform the country from conflict to peace and democracy.[14]

3. Member or partner state-building as a democracy promotion

[11] Boutros Boutros-Ghali, "Report of the Secretary-General on the Work of the Organisation", UN Document, A/49/1, (2 September 1994), para. 775; Idem, "Support by the United Nations System of the Efforts of Governments to Promote and Consolidate New or Restored", *Report of the Secretary-General*, A/51/512, (18 October 1996), paras. 17-23, Annex I.
[12] Boutros-Ghali, 1992, 1994, 1996.
[13] UN/Doc. S/RES/745 (1992).
[14] For further information on the Cambodian peace process, see the Paris Peace Accords of 1991, comprised of four important documents: the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, the Final Act of the Paris Conference on Cambodia, the Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia and the Declaration on the Rehabilitation and Reconstruction of Cambodia. Steven R. Ratner, "The Cambodia Settlement Agreements", *American Journal of International Law* 87:1, (January 1993), pp. 1- 41.

strategy: Through integrating the governmental and institutional capacity to guarantee political participation, respect for minority rights, freedom of expression and the rule of law into the membership requirements, known as the Copenhagen criteria, and through providing political and financial assistance for democratic development within Europe and other parts of the world, the EU has promoted democracy in the countries that are either willing to be part of the EU or European regional partnership initiatives in the post-Cold War era.[15]

4. Creating protectorates in the aftermath of a civil war: The international community represented by the UN, European Union (EU), Organisation for Security and Cooperation in Europe (OSCE), North Atlantic Treaty Organisation (NATO) and individual European states which contributed to the NATO-led multinational security force (Stabilisation Force – SFOR) were involved in democracy promotion in Bosnia-Herzegovina where a coalition of local groups was brought to power at the end of more than three years of bloody civil war in December 1995. Political intervention was since then maintained through the Office of High Representative (OHR) equipped with extensive executive powers to oversee the implementation of the peace process and the country's democratic political development through ensuring the exercise of political and civil rights by members of all ethnic groups and preventing the return of the old, defeated repressive political regime, and political instability, lawlessness and civil war.[16]

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[15] For a review of the EU's involvement in democracy promotion in the post-Cold War era, see for example, Paul Kubicek (ed.), *The European Union and Democratization*, (London; New York: Routledge, 2003).

[16] This definition of protectorate derives from Michael Walzer, *Arguing About War*, (New Haven and London: Yale University Press, 2004), p. 76. For further information on the Bosnian governmental and political institutional structures created in Dayton, Ohio, in late-1995, see "The General Framework Agreement for Peace in Bosnia and Herzegovina", [Dayton Peace Agreement], (14 December 1995), available at http://www.ohr.int/dpa/default.asp?content_id=380 [accessed 8 July 2008].

5. Establishing trusteeships following military interventions, undertaken to end gross human rights violations committed by repressive nominal governments in power: In Kosovo and East Timor, which were "rescued" from a deteriorating humanitarian emergency situation characterised by massive human rights violations, internal displacement and refugee flows into neighbouring countries, the UN was mandated to act "in trust for the inhabitants" of these two territories through assuming complex and large-scale government functions and powers with a view to "establish[ing] a stable and more or less consensual politics".[17]

6. Assuming a limited role in democratic governance promotion following a military operation: The UN's involvement in Afghanistan where it assumed a "light expatriate footprint" approach was characterised by a behind-the-scenes role for support and assistance with democratic political and economic development rather than formal and wide-ranging government functions and powers.[18]

7. Forced democratisation through military occupation: Influenced by the German and Japanese examples in the past, the engagement of the US and UK-led "coalition of the willing" in Iraq, where they initially bypassed the UN to undertake a military operation to topple Saddam Hussein from power but later appealed to it to share the burden in achieving a political and social transformation and legitimising the political process amidst the growing Iraqi resistance and other political problems,[19] fits in this form of democracy promotion undertaken in the post-Cold War era.

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[17] Walzer, 2004, p. 76.

[18] "Rebuilding Societies Emerging from Confect: A Shared Responsibility", *Speech of the SRSG Lakhdar Brahimi at the Opening of 55th Annual DPI/NGO Conference*, (New York, 9 September 2002), available at http://www.unama-afg.org/news/_statement/SRSG/2002/02sep09.htm [accessed 12 June 2008]; United Nations, "The Situation in Afghanistan and Its Implications for International Peace and Security: Report of the Secretary-General", *General Assembly and Security Council Document*, A/56/875–S/2002/278, (18 March 2002); UN/Doc. S/RES/1401(2002).

[19] UN/Doc. S/RES/1483(2003).

All these cases listed above under different headings show the growing involvement of a wide and diverse range of international organisations and actors in the post-Cold War era in democracy promotion in varying degrees and different forms.

1.2. The Intended Aim of the Thesis

The growing literature on the democratisation of conflict-affected territories produced in the post-Cold War has centred on the 'state' rather than the 'society' or 'nation' level because the international community's post-conflict reconstruction policies aim to transform conflict-ridden territories into democratic polities through establishing the institutional background of democratic rule rather than to create a political and cultural identity. Although the focus of the international community-led post-conflict democratisation efforts and policies undertaken usually under UN leadership in post-conflict situations is not on the nation but the state, the terms 'state-building' and 'nation-building' have interchangeably been applied to refer to efforts to construct liberal democratic government institutions and develop the local competence needed to run these institutions.[20] Some commentators,[21] in this context, pointed to the problem with the interchangeable use of the terms 'state-building' and 'nation-building' and suggested distinguishing the terms from each other on the basis of the target of the international community-led post-conflict democratisation policies and/or the means pursued by international agents to achieve a liberal democratic transformation in societies with little or no such prior experience. Some observers[22] emphasised that the focus of the international community's policies has been on the state rather than the nation, and concentrated on the construction of liberal democratic state institutions and development of the capacity needed to run these institutions but preferred the term nation-building. Some others[23] used the term state-building to describe such activities. Underlining the difference between engaging in establishing the institutions of governance and developing a sense of the

[20] See, for example, Robert I. Rotberg, "Failed States in a World of Terror", *Foreign Affairs* 81:4 (July / August 2002b), pp. 127-140.
[21] See for example, Chesterman, 2005; Dobbins *et al*., 2005; Fukuyama, 2004; Ottaway, 2002a.
[22] Such as Ottaway, 2002a; Dobbins *et al*., 2005.
[23] Chesterman, 2005; Fukuyama, 2004.

nation, the latter either did not investigate the process leading to the creation of a sense of national community and the development of societal and cultural bonds,[24] or sometimes interchangeably applied the two terms to the construction of public institutions and institutional capacity development.[25]

This thesis argues that in post-conflict situations there are two separate but interacting processes involved: re-building the state, including creating bureaucratic and political institutions and stabilising the economy; and re-building the nation, including easing inter-ethnic or inter-groups tensions and beginning to create a coherent and inclusive collective identity that can unite the people who may have been in conflict with each other. Much of the literature, however, has treated post-conflict reconstruction as a single process and overlooked the potential contradictions between the two very different tasks. It is suggested in this study that the analysis of externally-led democratisation of post-conflict societies requires an investigation of both the development of capacity and institutions of the state[26] and creation of a sense of national cohesion.[27] These two factors, which constitute the end-points of the above two interacting processes, affect the establishment and consolidation of democratic peace that the UN and other members of the international community pursue.

Based on "inclusiveness" and "public contestation", democracy encompasses two contradictory dynamics.[28] The former denotes the right to be a part of the process of political decision-making and policy-making. It entails not only the inclusion and political representation of all adult citizens in political and institutional

[24] Chesterman, 2005; Fukuyama, 2004.
[25] Fukuyama, 2004.
[26] Paris, 2004; Guillermo O'Donnell, "On the State, Democratization, and Some Conceptual Problems: A Latin American view with Glances at Some Postcommunist Countries", Guillermo O'Donnell, *Counterpoints: Selected Essays on Authoritarianism and Democratization* (Notre Dame: University of Notre Dame Press, 1999), pp. 133–157; Edward D. Mansfield and Jack Snyder, "Democratic Transitions, Institutional Strength, and War", *International Organisation*, 56: 2 (Spring 2002), pp. 297-337; Juan J. Linz and Alfred Stepan, "Political Identities and Electoral Sequences: Spain, the Soviet Union, and Yugoslavia", *Daedalus*, 121:2 (Spring 1992), pp. 123-139; Idem, "Toward Consolidated Democracies", *Journal of Democracy*, 7:2 (1996a), pp. 14-33; Idem, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore and London: The Johns Hopkins University, 1996b).
[27] Dankwart A. Rustow, "Transitions to Democracy: Toward a Dynamic Model", *Comparative Politics* 2:3 (April 1970), pp. 337-363; Robert Dahl, *Democracy and Its Critics* (New Haven: Yale University Press, 1989), pp. 193-209.
[28] Robert A. Dahl, *Polyarchy: Participation and Opposition* (New Haven and London: Yale University Press, 1971).

processes but also their participation in these processes. The latter is about opposing the conduct of government and competing for public office and political power.[29] Although its "inclusive" elements offer institutional mechanisms to foster compromise, consensus and peaceful settlement of differences, its "competitive" aspect may accentuate divisions or generate new tensions and conflict. Peaceful political contestation through electoral competition, as Dahl suggests, requires the existence of social and institutional mechanisms needed to assure the mutual security of government and opposition.[30] In this respect, studies of democratic transition suggest that states undergoing a rapid change from authoritarian to democratic government are more likely to get involved in armed inter-state conflict and have a greater propensity for civil strife than stable democracies and autocracies due to the destabilising effects of democratic transition on political institutions, and the tendency of political elites in democratising states to employ aggressive nationalism to strengthen their popular support base.[31]

Many researchers, who have contributed to the growing literature on transition to democracy, therefore, point to the importance of the presence of an effective state system before undertaking a political liberalisation process.[32] An effective state system, in this context, denotes the existence of competent, professional and impartial administrative, institutional and bureaucratic structures, capable of monopolising the legitimate use of force, executing the rule of law throughout its entire territory and mobilising financial resources from the population to pursue national objectives. In other words, the tackling of what Linz and Stepan termed 'the stateness problem'[33] through developing necessary institutional and constitutional mechanisms and enhancing coercive, regulatory and extractive

[29] Ibid., p. 4.
[30] Dahl, 1971, pp. 15-16.
[31] Edward D. Mansfield and Jack Snyder, "Democratization and the Danger of War", *International Security*, 20:1 (Summer 1995a), pp. 5-38; Idem, "Democratization and War", *Foreign Affairs*, 74:3 (May / June 1995b), pp.79-97; Idem, "Democratic Transitions, Institutional Strength, and War", International Organisation, 56:2 (2002), pp. 297-337; Diane F. Orentlicher, "Separation Anxiety: International Responses to Ethno-Separatist Claims", *Yale Journal of International Law*, 23:1 (1998), pp. 1-78; Jack Snyder, *From Voting to Violence: Democratization and Nationalist Conflict* (New York: Norton, 2000).
[32] Mansfield and Snyder 1995a, 1995b, 2002, Idem, "The Sequencing 'Fallacy'", *Journal of Democracy*, 18:3 (July 2007), pp. 5-9; Linz and Stepan, 1992, 1996a, 1996b; O'Donnell, 1999; Paris, 2004; Francis Fukuyama, "'Stateness' First", *Journal of Democracy*, 16: 1 (January 2005), pp. 84-88.
[33] Linz and Stepan, 1992, 1996a, 1996b.

capacity of the state[34] has come to be regarded in the literature as a more feasible option rather than rapid democratisation.[35] Roland Paris, for example, has strongly argued for "institutionalisation before liberalisation", i.e., postponing democracy until the necessary political and institutional background of democratic governance has been put in place by the international community so as to neutralise potential destabilising effects of political and economic liberalisation reforms undertaken in conflict-torn societies.[36]

What is not much discussed in this "sequentialist" approach to democratisation of post-conflict societies is, however, the need to address the other significant aspect of the post-conflict democratic peace-building process: resolving the 'nationness problem' or creating the notion of the nation.[37] As Holsti, who derives his views on "state strength" from Barry Buzan, rightly points out, a high degree of institutionalisation itself, which is the case in totalitarian regimes such as the former Soviet Union, is not on its own an indication of "state strength".[38] State strength derives from legitimacy, which has two dimensions: "vertical" and "horizontal".[39] The former denotes the link between the state and society and is based on "the belief in the rightfulness of the state, in its authority to issue commands, so that those commands are obeyed not simply out of fear or self-interest, but because they are believed in some sense to have moral authority".[40] The latter refers to the degree to which individuals and groups within the polity recognise and tolerate each other and the extent to which they are included in political and social processes.[41] In other words, although the capacity of states to extract resources, deliver services and exercise autonomy are important, state strength is determined by the attitudes, beliefs and ideas about the state and the nation of the population over

[34] See for example, Mansfield and Snyder 2002; Paris 2004; Fukuyama 2005.
[35] For a critic of "sequentialism", see Thomas Carothers, "How Democracies Emerge: The 'Sequencing' Fallacy", *Journal of Democracy*, 18:1 (January 2007), pp. 12-27; Sheri Berman, "How Democracies Emerge: Lessons from Europe", *Journal of Democracy*, 18:1 (January 2007), pp. 28-41.
[36] Paris, 2004.
[37] Barry Buzan, *People, States, and Fear: An Agenda for International Security Studies in the post-Cold War Era*, second edition, (Boulder, CO: L. Rienner, 1991), pp. 45-49.
[38] K. J. Holsti, *The State, War, and the State of War*, (Cambridge, New York: Cambridge University Press, 1996), pp. 84.
[39] Ibid.
[40] Ibid., p. 87, citing Rodney Barker, *Political Legitimacy and the State*, (Oxford: Oxford University Press, 1991), p. 11.
[41] Holsti, 1996, pp. 87-89, 93.

whom rule is exercised.[42] As witnessed in many former colonies in Asia and Africa where the sense of unified nationhood was weak, leaders of nationalist movements, who came to power in the post-independence period, either restricted or totally banned opposition and dissent to protect the territorial integrity of the state.[43] Inhibiting democratisation, the lack of or a weak sense of nationhood both weakened the capacity and legitimacy of the state and its institutions and fuelled separatist tendencies and movements.

The capacity of state institutions and structures is, therefore, to a great extent, affected by the degree to which consensus on national identity and national cohesion is accomplished.[44] This requires achieving a general consensus on the definition of the character of the *demos* (nation or socio-cultural unit) and the *polis* (state or political community) and the relationship between the two, which involves the settlement of the question regarding who is entitled to have membership of the political community, i.e. agreement on the citizenship in the state.[45] Only when a vast majority of the population within a territory "have no doubt or mental reservations as to which political community they belong",[46] Rustow suggested more than three decades ago, does it then become possible to undertake a democratic transition process. In other words, democratisation, first and foremost, requires national unity, which entails the presence of "a prior sense of community, preferably a sense of community quietly taken for granted that is above mere opinion and mere agreement".[47] The lack of or a weak sense of national cohesion in places where the society is divided by ethnic, cultural or ideological differences and/or some segments of the society are denied the right to membership to the political community, has an undermining effect on the capacity and legitimacy of state institutions, which, as noted above, is critical for undertaking a successful democratisation process.

In this context, it is important to note that the congruence between the *demos* and the *polis* facilitates the creation of a democratic nation-state because conflicts or disputes over policies regarding the definition of the cultural and symbolic

[42] Ibid., p. 84; Buzan, 1991, pp. 44-53.
[43] Dahl, 1971, p. 44.
[44] Rustow, 1970, pp. 350-2; Dahl, 1989, pp. 193-209.
[45] Linz and Stepan, 1996b, pp. 27-28.
[46] Rustow, 1970, p. 350.
[47] Ibid., p. 363.

characteristics of the state and nation and citizenship rights "are reduced when empirically almost all the residents of a state identify with one subjective idea of the nation, and that nation is virtually contiguous with the state".[48] The more the population is divided along linguistic, ethnic, religious or cultural cleavages, the more challenging it becomes to reach an agreement on the fundamentals of democracy.[49] If a significant proportion of the population do not accept the existing state as an appropriate entity that can make legitimate claims on their obedience because they do not wish to be part of this political unit, territorial boundaries of the state are contested. This situation, in return, presents serious problems with democratic transition and consolidation.[50]

In this respect, O'Donnell and Schmitter propose the conclusion of a series of negotiated "pacts" as a solution for undertaking a peaceful process of transition to democratic government.[51] Referring to agreements on rules governing the exercise of power by relevant political actors, pacts may help to regulate or reduce group competition and conflict through creating interdependence and extending mutual security guarantees.[52] In the same vein, Arend Lijphart suggests power-sharing among political elites of different segments to promote political stability, cultural pluralism and democracy in societies divided by ethnic or other cleavages.[53] He coined the term "consociational" democracy to denote a political structure which deviates from the majoritarian model of democracy, based on a winner-takes-all approach.[54] Aiming to prevent the exclusion and discrimination of minority groups through resolving political differences on the basis of consensus rather than majority rule, "consociational" forms of government have four defining elements: (1) a grand coalition of political elites representing all major ethnic or other social groupings; (2) a high degree of segmental autonomy; (3) proportional allocation and distribution of

[48] Linz and Stepan, 1996b, p. 25.
[49] Ibid., p. 29.
[50] Linz and Stepan, 1996b, p. 27; 1992, p. 124.
[51] O'Donnell and Schmitter, 1986, pp. 37-39.
[52] Ibid., pp. 38-39.
[53] Arend Lijphart, "Consociational Democracy", *World Politics*, 21:2 (January 1969), pp. 207-225; Idem, *Democracy in Plural Societies: A Comparative Exploration*, (New Haven: Yale University Press, 1977); Idem, "Constitutional Design for Divided Societies", *Journal of Democracy*, 15:2 (2004), pp. 96-109.
[54] Ibid., 1969, p. 211-215.

civil-service positions, resources and legislative posts to guarantee the fair representation of minority groups; and (4) mutual veto in decision-making.[55] The functioning of this model of government, aiming to turn fragmented societies into stable democracies through counter-balancing disintegrative elements, rests on elite cooperation. That is, the "consociational" model of democratic government is highly dependent on the ability of political elites to accommodate the divergent interests and demands of relevant ethnic or cultural groups; their capacity to transcend cleavages and collaborate with the elites of rival groups; and their commitment to maintaining the system.[56] Lijphart argued that three factors may facilitate inter-elite cooperation in fragmented societies: existence of external threats, balance of power among the segments, and a relatively low load on the decision-making apparatus or small territory / population size.[57]

In post-conflict societies, where formal government institutions have fallen apart or been polarised and the population is divided along ethnic, religious, linguistic or other lines of divide, creating a sense of identification with the political and social unit, which is a necessary condition for a successful and peaceful transition to democracy, becomes an even more challenging task. As noted earlier, based on participation and public contestation, democracy requires the achievement of some degree of national unity and creation of an effective state system. The immediate adoption of competitive democratic structures and electoral politics in post-conflict societies, divided along ethnic or other lines, can make majorities and minorities permanent.[58] Accentuating divisions and tension, this situation may trigger violence. Negotiated pacts at elite level, suggested by O'Donnell and Schmitter, or Lijphart's power-sharing or "consociational" model, in this context, can be implemented as an interim governance solution in post-conflict settings to provide stability through promoting a sense of inclusion within the political process. The engineering of political institutions along consociational lines may help to reduce the fear of domination of ethnic minorities by the majority. However, as noted earlier, the survival of consociational political systems is dependent on elite cooperation and

[55] Idem, 1977, pp. 25-52.
[56] Idem, 1969, p. 216.
[57] Ibid., pp. 217-219.
[58] Holsti, 1996, p. 184.

their commitment to the political restructuring process.

This thesis aims to fill the gap in the literature on post-conflict reconstruction by separately examining the institutional development and identity construction processes in two conflict-affected territories – Kosovo and East Timor (now Timor-Leste). It is an attempt to take the ongoing academic debates and approaches to the international community's engagement in post-conflict reconstruction, which focuses on the construction of institutions and capacities of the state, one step further. It aims to achieve this by (1) investigating a significant but understudied aspect of the international community-led democratic transition in post-conflict societies, and (2) suggesting a new approach to post-conflict reconstruction. It explores the interaction between the construction of competent government structures (state-building) and development of a sense of national community (nation-building) and its implications for democratisation. It emphasises the importance of "inclusive" and "participatory" strategies to address the questions of building functioning state institutions and creating the idea of the nation in post-conflict societies.

To this aim, the following hypothesis will be evaluated in the next chapters focusing on the reconstruction of Kosovo and East Timor:

Hypothesis: Conflict-affected societies, where formal government institutions have fallen apart and the population is divided or polarised along ethnic, religious, linguistic, regional or other lines of divide, undergo two separate but interacting processes following the cessation of armed conflict: construction of competent government institutions (state-building) and achievement of a sense of national community (nation-building). Undergoing these two processes, conflict-torn societies, divided by ethnic, religious or other cleavages, have the least favourable conditions for transition to democracy, which is based on the participation of citizens in the political process and public contestation. The construction of institutional and bureaucratic structures with the capacity to deliver public services and produce solutions in response to social problems, needs and demands, and the creation of a shared sense of national community, I argue, should therefore precede democratisation. In this context, the achievement of national cohesion is of special importance because the lack of or a weak sense of national community is likely to

undermine the capacity and legitimacy of government institutions and structures. Concentrating on building a sense of national cohesion and developing functioning government institutions is, however, not to suggest that a top-down, non-participatory approach or an authoritarian mandate should be adopted and followed by international and local actors during the transitional period. It is rather to propose putting off the competitive aspects of democracy while implementing its "inclusive" and "participatory" elements. The adoption and promotion of such an "inclusive" and "participatory" approach by the international community may facilitate generating channels of social communication and encouraging cooperation among local parties; achieve a sense of "local ownership" of the process at the end of the transitional period; and enable the UN and other members of the international community to set a good model for implementing democratic principles, particularly accountability, transparency and non-violent resolution of differences in places where democratic rule was not practised before and/or democracy is associated with tension and conflict.

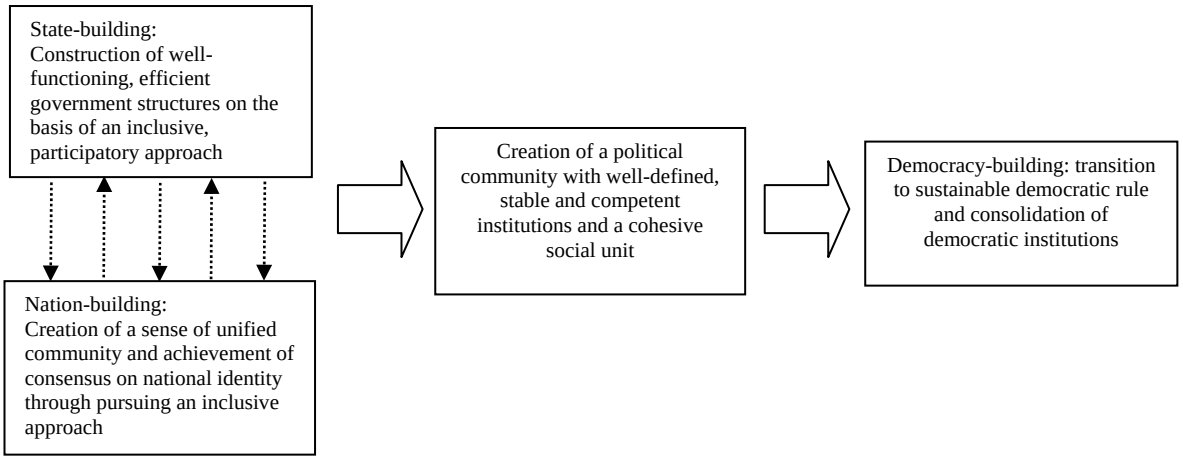

Figure 1.1. Aspects of the "inclusive" reconstruction approach: first the creation of a functioning state structure and formation of a shared collective identity and then promoting transition to democratic rule.

1.3. The Scope of the Thesis

This thesis is an attempt to investigate the international community's engagement in turning conflict-torn territories into self-sustaining, peaceful democratic entities through undertaking a detailed study of the international territorial administrations established under the auspices of the UN in Kosovo and East Timor. The two-fold focus of the thesis, put on the state and the nation, aims to analyse the outcome of the externally-guided democratisation processes in Kosovo and East Timor where the UN was entrusted with the responsibility of government to build democratic peace in the aftermath of violent conflict. It investigates the following points:

(1) construction of self-governing institutions and development of local capacity by the international community to establish sustainable peace and stability in Kosovo and East Timor in the aftermath of violent internal conflict;

(2) the process of creating a sense of community through healing the wounds of the past, achieving reconciliation and developing an inclusive collective identity; and,

(3) the interaction between these two processes and its implications for democratisation in the post-armed conflict period.

1.4. Research Design and Methodology

This thesis adopts the case study method, which aims to explain "how" and/or "why" questions about a set of contemporary events, over which the researcher has no control, and focuses on the analysis of "up-to-date information" collected from contemporary documentation, observing and interviewing.[59] Case study research, which requires the collection of data from multiple sources, is based on the development of a theoretical framework to use for analysis and empirical testing.[60] The case study process involves (1) formulating good research questions; (2) interpreting answers to these questions; (3) building a theoretical framework; (4) selecting cases; (5) applying theoretical principles and ideas to cases chosen through

[59] David E. Gray, *Doing Research in the Real World*, (London: Sage Publications, 2005), pp. 124-125.
[60] Ibid., p. 124.

analysing the data gathered from document analysis, interviews and field observations and (6) drawing and analysing conclusions.[61]

Based on this research approach, this thesis seeks to analyse *how* the UN's approach to conflict resolution has been shaped in the post-Cold War period: promoting democratic government institutions and structures in conflict-torn societies. It also intends to explore the aspects of the question of *why* the UN has pursued this policy approach: endorsing a secure and stable international system through preventing the recurrence of violent internal conflict, which is seen arising from the absence or weakness of democratic government structures.

As noted earlier, there are two separate but interacting processes involved in the post-conflict period: nation-building and state-building. The study of the reconstruction of conflict-torn societies by the UN therefore requires a two-level analytical framework; focusing on the state and the nation. These two interacting processes affect the prospect of the UN-led democratisation process undertaken in societies emerging from conflict. It is important to note that this is not to suggest that the UN and other external actors involved in the process of post-conflict restructuring should impose a common political or cultural collective identity on deeply-divided, conflict-torn societies. In fact, such an engagement is neither within the jurisdiction nor the capacity of the UN and other international agents. As will be discussed in the next chapter, it is within the jurisdiction and capacity of local actors. The UN, however, can facilitate this process by taking some measures such as initiating a reconciliation programme, creating channels of dialogue and communication at individual and group level, and providing a forum for the discussion and resolution of certain sensitive issues regarding the definition of the character of the nation and the state e.g., the adoption of a national language and recognition of cultural rights for minority groups.

Two conflict-torn territories, Kosovo and East Timor, where the UN assumed the responsibility of government and sovereign powers on a temporary basis to build democratic self-government institutions, were chosen as case studies to address the above "how" and "why" questions by examining aspects of the processes of nation-

[61] Ibid., pp. 125-129.

building and state-building. The UN transitional administrations in Kosovo and East Timor were established in 1999 following external military interventions, justified as actions to stop violence and end systematic human rights violations. Kosovo and East Timor, where the UN was mandated to build stable, long-lasting peace through creating functioning, democratic public institutions, became experimental laboratories for externally-guided democratisation policies and initiatives developed and implemented by the international community under the umbrella of the UN. This makes Kosovo and East Timor important cases to analyse "how" the UN's approach to post-conflict peace-building evolved. Kosovo and East Timor, where the UN assumed the responsibility of government in the post-military intervention period, also represent two significant and useful case studies to explore the UN's approach to avoiding potential or actual constraints on building long-lasting peace through establishing democratic institutions.

With a view to addressing these points, a theoretical discussion of nation-building (construction of a sense of unified national community) and state-building (development of efficient government institutions) is provided in the following chapters. The theoretical analysis is followed by detailed case studies to test theoretical principles with empirical evidence on the ground. This is conducted through (1) collecting and analysing information on the processes of state-building and nation-building in Kosovo and East Timor from UN documents and reports and other relevant materials produced by other international agencies, as well as academic works and journalistic pieces; and (2) undertaking short field trips to Timor-Leste and Kosovo to collect information from interviews and observations.

This research approach based on a two-level analytical framework to study two contemporary cases, where the UN more or less at the same time assumed complex and ambitious mandates and felt similar pressures and challenges, also has explanatory power for several other important issues, raised in the Report of the Panel on UN Peace Operations or commonly known as the "Brahimi Report" after the Panel chair, UN Under-Secretary-General Lakhdar Brahimi.[62] A detailed study of

[62] Panel on United Nations Peace Operations, "Report of the Panel on United Nations Peace Operations" [Brahimi Report], A/55/305-S/2000/809, (21 August 2000), http://www.un.org/peace/reports/peace_operations [accessed 27 March 2005].

the UN's engagement in Kosovo and East Timor may address a very significant issue raised in this report, which assessed the planning and conduct of UN peace operations in the post-Cold War era: Does the UN have the institutional capacity and resources to establish sustainable peace in conflict-affected societies?

This thesis seeks to address the following questions:

(1) *What has been the outcome of the international administrations established under UN auspices in the aftermath of military interventions in Kosovo and East Timor in terms of creating democratic self-governing institutions and a shared sense of political and cultural community?*

(2) *To what extent, have the international transitional / interim administrations established in Kosovo and East Timor contributed to laying the foundations for democratic rule and sustainable peace?*

It is important to note that this thesis does not aim to produce a 'template' or offer a magical 'one-size-fits-all' formula to apply to other countries which have become the target of the international community-driven democratisation policies in the post-Cold War era such as Mozambique, Bosnia-Herzegovina, Cambodia, Afghanistan or Iraq. This study aims to address the above research questions by carrying out an in-depth, detailed study and comparing findings, drawn from cross-case studies, with a set of theoretical principles.[63] Only two contemporary cases, Kosovo and East Timor, were chosen by the author, because it allows both the conduct of in-depth study of the same phenomenon in two places and comparison of results: establishment of the institutional and societal background of democratic government by the UN in conflict-torn societies where it assumed the responsibility of government and sovereign powers on a temporary basis. This two-case approach was adopted by the author to better understand and analyse in-depth local social and cultural dynamics and factors and their impact on the UN-led political and

[63] Ibid., p. 127.

institutional processes while also avoiding the danger of losing the focus and falling into the 'template trap'.

This, however, is not to suggest that the findings and conclusions drawn in this study cannot be used to compare and contrast the UN's and other international agencies' engagement in democracy promotion in different parts of the world. It should once again be pointed out that several important factors should be born in mind: Firstly, there is no magical formula that can be applied for succeeding in turning conflict-affected territories into peaceful, stable polities. Secondly, each of the above cases has its own peculiar dynamics and characteristics that are different from Kosovo and East Timor. Thirdly, in each case, the UN operates in different, complex cultural environments, which affects the outcome of policy instruments developed and used by the UN. Fourthly, the UN has had a varying degree of involvement in achieving a liberal democratic transformation in territories recovering from conflict. And, lastly, different policy instruments and democracy promotion strategies have been implemented by the UN and other members of the international community in the post-Cold War era.

As noted earlier, the UN, along with other international agencies, individual states and NGOs, has heavily been involved in democracy promotion in the post-Cold War era with a view to preventing the recurrence of violent internal conflicts and endorsing international peace and security. Initially, the UN was mostly engaged in providing electoral assistance to supervise a democratic transition process in countries severely affected by violent conflict such as Namibia, Mozambique, Angola, El Salvador and Nicaragua.[64] In Cambodia, where the UN was vested with extensive civilian administration functions to oversee the country's transition to democratic rule after three decades of devastating civil war, its transitional government mandate was still limited to the conduct of elections and handover of

[64] For a further discussion of the UN's role in providing electoral assistance to post-conflict societies, see Christopher C. Joyner, "The United Nations and Democracy", *Global Governance*, 5 (1999), pp. 333-357; Benjamin Reilly, "Elections in Post-Conflict Elections", Edward Newman and Roland Rich (eds.), *The UN Role in Promoting Democracy: Between Ideals and Reality*, (Tokyo; New York; Paris: United Nations University Press), pp. 113-134; Terrence Lyons, "The Role of Post-Settlement Elections", Stephen John Stedman, Donald Rothchild and Elizabeth M. Cousens (eds.), *Ending Civil Wars: The Implementation of Peace Agreements*, (Boulder, Colorado: Lynne Rienner, 2002), pp. 215-236; Paris, 2004, pp. 63-78, 112-148; Dobbins *et al*., 2005, pp. 29-67, 93-106.

administrative powers to the elected local government.[65]

In Bosnia-Herzegovina, which was created as an independent, decentralised state with two autonomous entities (Muslim-Croat Federation and Bosnian-Serb Republic, Republika Srpska) by the Dayton Agreement, the UN was involved in consolidating the democratisation process and strengthening the capacity of the weak Bosnian central government institutions in the post-war period. Having said this, it is important to note that although the UN established a mission in the country (United Nations Mission in Bosnia and Herzegovina, UNMIBH), its role was limited to law enforcement and training of the Bosnian police service,[66] and ensuring the safe return and repatriation of refugees and the displaced persons through the United Nations High Commissioner for Refugees (UNHCR).[67] The European regional organisations were assigned major roles in supervising the country's post-war democratic development. The OSCE, which was recognised as the lead agency for Bosnia-Herzegovina's democratic development, was given the responsibilities of (1) supervising and organising elections; (2) establishing the foundations for representative government;[68] (3) monitoring and protection of human rights;[69] (4) taking measures for regional stability and arms control; and (5) facilitating the democratic control of the armed forces.[70] An international military force under the authority of NATO was stationed to carry out the military aspects of the Dayton Agreement, which included establishing a durable cessation of hostilities, ensuring force protection, and establishing lasting security and arms control measures.[71] NATO handed over its peacekeeping duties to a European Union-led force (EUFOR) in December 2004.

In this context, it is important to note that the international community's involvement in democratisation in Bosnia-Herzegovina in the post-war period represents a reversed trend in democratic self-government, which can be seen in the degree of external interference exercised by the international community through the

[65] Paris, 2004, pp. 79-96; Dobbins *et. al*., 2003, pp. 69-91.
[66] UN/Doc. S/RES/1035 (1995).
[67] "The General Framework Agreement for Peace in Bosnia and Herzegovina", Annex 7, Articles II and III.
[68] Ibid., Annex 3, Articles II and III.
[69] Ibid., Annex 6, Article XIII.
[70] Ibid., Annex 1B, Article II.
[71] Ibid., Annex IA, Article I.

Office of High Representative (OHR), installed to oversee the implementation of the political aspects of the Dayton Agreement. The OHR, which was put in place to "facilitate the Parties' own efforts and to mobilise and, as appropriate, coordinate the activities of the organisations and agencies",[72] had a limited mandate and authority at the beginning of the peace process. The High Representative was accorded with wide-ranging authority in late-1997 by the Peace Implementation Council (PIC), an ad hoc body of 55 countries established in 1995 to guide and support the peace implementation process. At its meeting in Bonn in December 1997, the PIC authorised the High Representative to impose binding decisions if Bosnian legislative bodies fail to do so and remove from office elected public officials who violate their legal commitments under the Dayton Agreement or obstruct its implementation.[73]

In Afghanistan, which has become another target country for externally-driven democratic development in the post-Cold War era, as noted earlier, rather than exercising extensive powers, the UN assumed a limited role characterised by a small international presence providing support and assistance in democratic governance and economic development to local Afghan staff. In Iraq, where the UN was initially bypassed from the process leading to the occupation of the country by the US-led "coalition of the willing", the UN assumed some small responsibilities and powers in the post-war reconstruction period. Sergio Vieira de Mello of Brazil, who had served as the Special Representative of the Secretary-General in Kosovo and East Timor, was appointed as Special Representative for Iraq in May 2003. His mandate include (1) assisting in the delivery of humanitarian relief; (2) promoting the protection of human rights, reconstruction of physical infrastructure, and (3) facilitating a process leading to the creation a representative government of Iraq through "working intensively with the [Coalition Provisional] Authority, the people of Iraq, and others concerned to advance efforts to restore and establish national and local institutions for representative governance".[74] The killing of the Special Representative along

[72] Ibid., Annex 10, Article I.
[73] Peace Implementation Council (PIC), "PIC Bonn Conclusions: Bosnia and Herzegovina 1998: Self-sustaining Structures", (10 December 1997), Article XI, para. 2., available at http://www.ohr.int/pic/default.asp?content_id=5182 [accessed 12 June 2008].
[74] UN/Doc. S/RES/1483(2003).

with 21 members of his staff in a massive bomb attack on the UN headquarters in Baghdad in August 2003 led the UN to pull out of Iraq. The incident also led former Secretary-General Kofi Annan, who would describe the Bush administration's decision to go to war against Iraq as "illegal",[75] to distance the world body as much as possible from the US demands for a greater UN involvement in the country.

In East Timor and Kosovo, on the other hand, the UN assumed a complex mandate following military interventions justified in humanitarian terms. The scope of powers and responsibilities the UN assumed in these two territories represents the expansion of the world body's involvement in establishing long-lasting peace through promoting democratic government in the post-Cold war. Entrusted with wide-ranging powers, the UN was mandated in Kosovo and East Timor to construct democratically and efficiently functioning government institutions in order to prevent the recurrence of violent conflict. The UN's engagement in democracy promotion, as noted earlier, was affected by the view that the lack of or weakness of democratic institutions and channels such as deficiencies in political inclusion and opposition, respect for human rights, political accountability and transparency constitutes the root cause of violent conflict. The questions of whether or not the UN has the capacity to promote democratic government and whether or not democracy can be introduced by external actors from the outside can be best addressed and evaluated in cases where the UN had fewest restrictions to achieve such an ambitious and complex mandate.

An analysis of the UN-guided political reconstruction processes in Kosovo and East Timor, where the world body assumed an extensive degree of interventionist role through exercising all legislative, executive and judicial powers is also important to address another significant question: Can the notion of democratic government be nurtured by an external, intervening power without the tackling and resolution of the issue of "nationness" by local stakeholders in places torn by years of repression, internal strife and armed conflict?

The following factors are also worth noting to explain why Kosovo and East Timor were chosen as two cases to study in this thesis:

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[75] BBC News Online, "Excerpts: Annan Interview," (16 September 2004), available at http://news.bbc.co.uk/2/hi/middle_east/3661640.stm [accessed 12 June 2008].

(1) Throughout their history, the fate of both territories was affected by external developments and shaped from the outside;

(2) Both Kosovo and East Timor were peripheral parts of empires, i.e. the Ottoman and Portuguese Empires, and local social structures remained intact;

(3) Both Albanian and East Timorese nationalisms as a political movement with national-self-determination claims came as a belated development;

(4) Both Kosovo Albanian and East Timorese nationalist leaderships sought external support to exercise the right to political independence;

(5) Neither Kosovo Albanians nor East Timorese were ever integrated into the central state structures of former Yugoslavia and Indonesia, to which they were forced to belong following the collapse of the above Empires;

(6) Albanian and East Timorese national identities developed in opposition to foreign rule and based on a sense of collective victimhood or common suffering under foreign rule;

(7) Both territories were the least developed parts of the states to which they were forcefully attached;

(8) Both the people of Kosovo and East Timor lacked prior experience of democratic governance;

(9) Neglected by the international community for decades, both Kosovo and East Timor came on the UN's agenda following gross human rights violations and the outbreak of violent armed conflicts in the late-1990s;

(10) The escalation of violence and deteriorating humanitarian catastrophe in Kosovo and East Timor was followed by military interventions undertaken by NATO (with no explicit UN Security Council mandate) in the former and an Australian-led multi-national force in the latter;

(11) Kosovo and East Timor served as laboratories or test-cases in terms of the viability of democratisation programmes formulated in New York or Brussels, and showing the capacity of the UN and other international agencies to promote democratic development in societies with no prior experience of liberal democratic nation-state tradition; and

(12) The international transitional administration set up by the UN in East Timor in October 1999 to prepare the territory for independence was largely

modelled on the mission set up in Kosovo in June 1999.

Having identified the above similarities between the two cases, it is important to note that Kosovo and East Timor are not identical cases. In fact, they differ in several important aspects that will be further elaborated on in the following chapters discussing the UN's approach to achieving a liberal democratic political transformation. The main differences between the two cases include the root cause of conflict, situation of institutional structures and intra-societal relations following the withdrawal of repressive, nominal governments in power, and the identification of clear political end-points to achieve at the end of the transitional period. These differences affected the prospect and success of policies designed and implemented by the UN to create efficient democratic self-government institutions (such as parliaments and independent judicial structures and mechanisms) and nurture democratic practices (such as the organisation of free and fair elections, freedom of expression, opposition, contestation for public offices etc.) because these differences influenced the way these externally-driven democratic self-government policy initiatives were perceived by the local populace.

With regard to the scope of time-frame for the study of the ongoing state and nation building process in East Timor, it is limited to the period between October 1999 when the territory was put under UN transitional administration and May 2006 when large-scale violence, which nearly brought the country to the brink of civil war, broke out. In accordance with the aim of this thesis, i.e. exploring the impact of international administrations on democratisation in societies emerging from conflict, the specific focus of state-building in East Timor will be on the period over 1999-2002, during which the territory was administered by the UN transitional administration. The study of policies and efforts to develop democratic self-government institutions and a multi-ethnic society in Kosovo covers the period between June 1999 when an interim international administration under UN auspices was set up and February 2007 when the special envoy of the Secretary-General offered the UN-run province independence to be supervised by the international community.

1.5. Definition of Certain Commonly Used Concepts in the Thesis

As noted earlier, this thesis is an attempt to investigate the UN's engagement in establishing democratic public institutions and consolidating democratic practices Kosovo and East Timor torn by violent conflict with a view to building sustainable peace in the post-conflict period. The term "violent conflict" is used in the sense of competing interests and goals over resources, power, identity and status held by individuals, groups or communities, and the use of coercive and violent means by these parties to achieve their ends through damaging their adversaries' ability to pursue their objectives.[76] The term "post-conflict", in this regard, is used to denote the cessation of violence and armed struggle rather than the end of hostilities and the conclusion of conflict in the interest of parties. "Sustainable peace" is used in the sense of stable, long-lasting peace characterised by not only the absence of physical or personal violence (which Galtung puts as "negative peace") but also the absence of structural violence (or "positive peace")[77] which does not require external intervention and assistance.

With regard to the term "democracy", it is used in the sense of a political and institutional system characterised by the restriction of powers exercised by rulers to protect social and political liberties, and the peaceful change of government by the ruled.[78] It is judged, as Robert Dahl suggests, by the degree to which it is responsive to the preferences of its citizens and it allows the inclusion, participation and contestation of its citizens in the civic life.[79] In this thesis the term "contestation", as Dahl defines", is used to denote the availability of "unimpaired opportunities" to individuals to "formulate their preferences", "signify their preferences to their fellow citizens and the government by individual and collective action" and to "have their preferences weighed equally in the conduct of the government''.[80] Dahl defines the term "inclusiveness" in terms of the "proportion of the population entitled to

[76] Michael Lund, *Preventing and Mitigating Violent Conflicts: A Revised Guide for Practitioners*, (Washington, DC: Creative Associates International, 1997).
[77] Johan Galtung, "Violence, Peace, and Peace Research", Journal of Peace Research, 6:3 (1969), pp. 167-191.
[78] K. R. Popper, *The Open Society and Its Enemies*, vol. 1, fifth edition, (London: Routledge and Kegan Paul, 1966), pp. 122-127.
[79] Dahl, 1971, pp. 2-4.
[80] Ibid., p. 2.

participate on a more or less equal plane in controlling and contesting the conduct of the government''.[81] In this thesis, the terms "inclusiveness" and "participation" are distinguished on the basis of the involvement of individuals in social and political processes that affect themselves and society. Inclusiveness is used as a multi-dimensional concept to refer to (1) the acceptance and understanding of the diversity of society; (2) availability of mechanisms and opportunities for the representation and involvement of individuals coming from diverse political, economic, social and cultural backgrounds in every aspect of life – political, governmental, institutional, societal, economic and cultural; (3) creating a sense of belonging through promoting peaceful co-existence, interactive and cooperative relationships and communication. Inclusion entails participation, which refers to the degree to which individuals coming from diverse backgrounds have a say and influence on the course of political, governmental, social, economic and cultural processes, issues and decisions that affect their existence, current and future status, preferences and interests. The term "democratisation", in this context, is used in the sense of a political and social process aiming to transform the political system from authoritarian rule to democracy as described above in which power changes hands peacefully, individuals are involved in political and social processes, and institutional and societal structures are in place to allow this to happen. Democratic consolidation, which is about the "sustainability of democratic institutions",[82] refers to a political and social situation in which democratic norms and principles have become internalised and accepted by all relevant political actors as the only legitimate framework to seek power and resolve disputes.[83]

[81] Ibid., p. 4.
[82] Christophe Solioz, "Prospects for Balkan Stability: Ownership, Transitional Process and Regional Integration in Bosnia and Herzegovina", PSIO Occasional Paper, (Geneva: November 2000), p. 13.
[83] Linz and Stepan, 1996, pp. 5-6. See also, Richard Gunther, P. Nikiforos Diamandouros, and Hans-Jürgen Puhle (eds.), *The Politics of Democratic Consolidation: Southern Europe in Comparative Perspective* (Baltimore: Johns Hopkins University Press, 1995).

1.6. Structure of the Thesis

The next chapter explores the theoretical aspects of nation-building and examines the development of the contemporary literature on nation-building. It suggests a definition of the term nation-building and a framework to apply for the analysis of the cases chosen. The third chapter discussing the international community's engagement in developing liberal democratic structures in societies torn by violent conflicts in the post-Cold War era examines the theoretical dimensions of state-building and provides a framework to use for analysing the process of state-building in East Timor and Kosovo. The fourth chapter discusses the process of national identity construction in East Timor in the post-Indonesian period. The fifth chapter investigates the development of democratic state institutions and structures established by the United Nations Transitional Administration in East Timor. The sixth chapter deals with the process of creating a multi-ethnic society in Kosovo since mid-1999, which, since the establishment of United Nations Interim Mission in Kosovo (UNMIK), the members of the international community have frequently reiterated as their primary objective to build sustainable process. The seventh chapter reviews the international community's engagement in constructing and developing provisional democratic self-governing institutions in Kosovo and explores the interaction between state-building and nation-building. The final chapter draws conclusions.

Chapter Two
Building the 'Nation' in the Post-Armed Conflict Period

2.1. Introduction

This chapter reviews a popular but contested term of nation-building, which is frequently cited in the context of the construction of democratic and effective government institutions by external actors with the aim of preventing the recurrence of violent internal conflict associated with governmental 'weakness / failure / collapse'. The term 'nation-building', fashionable in the 1950s and 1960s amongst a group of American political scientists, known as the 'modernisation school' theorists, was originally developed to describe the evolution of the modern nation-state system in the Western world. It was used in the post-colonial context to describe the path or process that political leadership in the newly-independent states in Africa and Asia would need to follow in order to achieve political and economic development, which Western countries had supposedly gone through in the past, and to integrate different ethnic or tribal groups within their boundaries through the advances in technological infrastructure and mass communication that would make them viable nation-states.

More recently, often used interchangeably with state-building, nation-building is employed to describe the international engagement, usually under the umbrella of the UN, in democracy promotion through building up institutional structures and developing the local capacity required to run democratic self-governing institutions in the aftermath of military interventions. The international community-led democratisation efforts and policies undertaken in Bosnia-Herzegovina, Kosovo, East Timor, Afghanistan and Iraq are often referred to as nation-building.

The chapter is divided into three main parts. The first part provides a discussion of the 'state failure / collapse' phenomenon treated as an 'unexpected' threat to international peace, security and stability in the post-Cold War era. The second part reviews the term nation-building and investigates its meaning since it was first formulated by the modernisation school theorists in the 1950s. The last part elaborates on the aspects of nation-building and offers an analytical framework to follow when exploring the process of nation-building in Kosovo and East Timor in the post-armed conflict period.

2.2. 'State Weakness / Failure / Collapse': Changing Perceptions of Threat and Security in the Post-Cold War Era

The fall of the Berlin wall symbolising the demise of the bipolar world system encouraged some Western political leaders, such as then US President George H. W. Bush, to announce the beginning of a new era, the so-called 'New World Order'. Reflecting the revival of the Wilsonian system of human rights, democracy, liberalisation and collective security, the Bush administration's 'new world order' was based on the commitment of the world's states to achieve global cooperation and political, economic and cultural integration aiming to promote international peace and security in the absence of a superpower rivalry and ideological divide.[1] The collapse of Eastern European socialist regimes led some others to declare Western liberal democracy as the "end point of mankind's ideological evolution and the universalisation of Western liberal democracy as the final form of human government", marking "the end of history".[2]

However, this euphoria and optimism with the emergence of a new international political environment, in which the principles of peace, security, justice, global integration, and the rule of law rather than the "rule of the jungle"[3] would prevail, did not last long following the outbreak of a number of violent domestic

[1] George H. W. Bush, "Address Before a Joint Session of the Congress on the Persian Gulf Crisis", (Washington DC, 11 September 1990).
[2] See, Francis Fukuyama, "The End of History?", *National Interest* 16 (1989), pp. 3-18. See also Idem, *The End of History and the Last Man* (New York: The Free Press, Ontario: Maxwell Macmillan Canada, Inc.: 1992); and Jeffrey Friedman, "The New Consensus: I. The Fukuyama Thesis", *Critical Review* 3:3-4 (1989), pp. 373-410.
[3] Bush, 1990.

conflicts in different parts of the world. It was replaced with a growing concern over a 'new' and very serious threat to international peace and security supposedly coming from states where public authority has disintegrated, and violence and chaos has prevailed – the so-called 'failed states'.

Since first conceptualised by Helman and Ratner as "utterly incapable of sustaining itself as a member of the international community" in the early 1990s,[4] the 'failed state' phenomenon has gained currency despite the lack of a general agreement on its definition and causes.[5] Providing a rationalisation for external intervention to cope with and neutralise its negative effects on domestic political and economic development and international security and stability, the 'failed / collapsed' state image has become a complex issue especially given the question of whether or not the international community has the jurisdiction and capacity to prevent or reverse it.

The term 'failed state' was coined to describe countries like Somalia, Haiti, Sudan, Congo DR, Liberia, Cambodia, Afghanistan and former Yugoslavia, where central government structures have disintegrated or cannot exercise sovereign control over territory; cannot monopolise the means of violence;[6] and can no longer perform the basic public functions, which then pass into the hands of warlords, clan chiefs or other local individuals or groups.[7] State failure, which Zartman defines as a "long-term degenerative disease",[8] is associated with civil unrest and conflict,[9] resulting in

[4] Helman and Ratner , 1992-3, p. 3.

[5] It is important to acknowledge that although the term 'failed state' became popular following its conceptualisation by Helman and Ratner in *Foreign Policy* in its 1992-3 issue, which attracted a growing scholarly interest, there were other scholars who long before Helman and Ratner wrote on the lack of governmental and institutional competence of African states to meet the "empirical requirements of modern statehood", i.e. the capacity to provide their citizens with coercive and non-coercive services, and termed these states as 'pseudo' or 'quasi' states. See, for example, Hedley Bull and Adam Watson (eds.), *The Expansion of International Society* (Oxford [Oxfordshire]: Clarendon Press; New York: Oxford University Press), 1984; Robert H. Jackson, "Quasi-States, Dual Regimes, and Neoclassical Theory: International Jurisprudence and the Third World", *International Organisation* 41:4 (Autumn 1987), pp. 519-549.

[6] Helman and Ratner, 1992-3; pp. 3-5; Ali Mazrui, "The African State as a Political Refugee," D. Smock and C. Crocker (eds.), *African Conflict Resolution: The U.S. Role in Peacemaking* (Washington: United States Institute of Peace Press, 1995), p. 11; Susan L. Woodward, "Failed States: Warlordism and 'Tribal' Warfare", *Naval War College Review*, 52:2 (Spring 1999), pp. 56, 59-60; Robert H. Jackson, "Surrogate Sovereignty? Great Power Responsibility and 'Failed States'", *Institute of International Relations The University of British Columbia Working Paper*, No. 25, (November 1998); pp.2-3; Robert D. Kaplan, "The Coming Anarchy", *Atlantic Monthly* 273:2 (February 1994), pp. 46-52, 72-74.

[7] Zartman, 1995a, p. 5, 8, 10; Gros, 1996, 456-8; Holsti 1996, p. 119.

[8] Zartman, 1995a, p. 8.

the disruption of essential governmental services, destruction of food supplies and distribution networks, and economic standstill.[10] Deep ethnic divides, corruption, environmental degradation, poverty, scarce resources, militarism, political authoritarianism,[11] legacy of colonialism and withdrawal of foreign assistance in the post-Cold War era[12] are among the often-cited factors precipitating 'state failure / collapse'.

Identified with the full or partial collapse of central government authority, chaos, disorder and violence, the 'failed state' phenomenon was largely seen as a humanitarian and regional security problem during the early 1990s.[13] Helman and Ratner, for example, emphasised the "spillover" effects of 'state failure' on neighbouring countries, which may be destabilised by "illicit arms traffic, solidarity activities by related ethnic groups, and armed bandits seeking to establish a safe haven".[14] Observers often called on the international community to take military action to restore collapsed governmental and civil structures and avert local and regional humanitarian consequences of 'state failure'.[15] Some commentators proposed the establishment of trusteeship administrations to restore state capacity in 'failed states'.[16]

During this period, the UN's approach to addressing humanitarian and regional effects of 'state failure', associated with internal conflict, was characterised by a three-pronged policy: (1) deploying peacekeeping forces to facilitate the delivery of humanitarian relief by aid agencies to conflict-affected populations

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[9] Mary Kaldor, *New and Old Wars: Organised Violence in a Global Era*, (Cambridge: Polity Press, 1999).
[10] Helman and Ratner, 1992-3, pp. 4-5.
[11] Gros, 1996, pp. 461-5; Holsti, 1996, pp. 120-1; Zartman, 1995a, pp. 2-7; Kaplan, 1994, p. 46; Jack A. Goldstone *et al*., *State Failure Task Force Report: Phase III Findings* (McLean, VA: Science Applications International Conference (SAIC), 30 September 2000), http://www.cidcm.umd.edu/publications/publication.asp?pubType=paper&id=9 [accessed 25 April 2005].
[12] Holsti, 1996, pp. 73-81; Jackson, 1990, p.3; Helman and Ratner, 1992-3, pp. 3-4; Woodward, 1999, pp. 58-59, Robert H. Dorff, "Democratization, Failed States and Peace Operations: The Challenge of Ungovernability", *American Diplomacy*, 1:2 (1996).
[13] Helman and Ratner, 1992-3, p. 8; Kaplan, 1994, p. 46, 73; Dorff, 1996.
[14] Helman and Ratner, 1992-3, p. 8.
[15] See for example, Francis Mading Deng, "State Collapse: The Humanitarian Challenge to the United Nations", I. William Zartman (ed.), *Collapsed States: The Disintegration and Restoration of Legitimate Authority* (Boulder: Lynne Rienner Publishers, 1995), pp. 207-219; Woodward, pp. 55-67.
[16] Helman and Ratner, 1992-3; Ali Mazrui, "Decaying Parts of Africa Need Benign Colonisation", *International Herald Tribune*, (4 August 1994); William Pfaff, "A New Colonialism? Europe Must Go Back into Africa", *Foreign Affairs*, 74:1 (January / February 1995), pp. 1-6.

within their home countries, even under war conditions, and preventing large-scale population movements fleeing into neighbouring countries;[17] (2) negotiating with the warring parties on the diplomatic front to end the violence and find a democratic solution to the conflict;[18] and (3) democratisation[19] through organising elections within the "shortest possible time" following the conclusion of a peace agreement.[20] In Somalia, for example, where the civil war and famine led to the death of at least 300,000 Somalis and one million refugees since November 1991,[21] a peacekeeping mission (United Nations Operation in Somalia I, UNOSOM I) was established in April 1992 to ensure the safe delivery of humanitarian assistance.[22] In the meantime, Mohamed Sahnoun, Special Representative of the UN Secretary-General, was holding negotiations with the leaders of the warring factions to find a diplomatic solution to the conflict.

The same approach was followed in Bosnia-Herzegovina, where UNPROFOR (United Nations Protection Force) was mandated to deliver humanitarian assistance,[23] establish a "no-fly" zone,[24] and create "safe areas" for the displaced persons.[25] In Rwanda, UN peacekeepers (United Nations Assistance Mission in Rwanda, UNAMIR) were deployed to facilitate the implementation of the Arusha Accords of 1993, which aimed to establish a transitional power-sharing government by the Hutu-dominated Rwandan government and the Tutsi-dominated Rwandan Patriotic Front (RPF). UNAMIR's mandate included monitoring the security situation in the capital Kigali, assisting with the delivery of humanitarian relief, facilitating the repatriation of refugees, and organising elections at the end of the transitional period.[26]

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[17] Mark Duffield, "NGO Relief in War Zones: Towards An Analysis of The New Aid Paradigm", *Third World Quarterly*, 18:3 (1997), pp. 530-537; Mary Kaldor, *New and Old Wars: Organised Violence in a Global Era*, (Cambridge: Polity Press, 1999), p. 113.
[18] Kaldor, 1999, pp. 119-121.
[19] Duffield, 2001, p. 530.
[20] Ottaway, 2002b, p. 1002; Roland Paris, "Peacebuilding and the Limits of Liberal Internationalism", *International Security*, 22:2 (Autumn 1997), pp. 54-55; Holsti, 1996, pp. 183-184.
[21] United Nations, "Somalia - UNOSOM I: Background", http://www.un.org/Depts/dpko/dpko/co_mission/unosom1backgr2.html [accessed 14 July 2008].
[22] UN/Doc. S/RES/751 (1992).
[23] UN/Doc. S/RES/770 (1992); UN/Doc. S/RES/776 (1992).
[24] UN/Doc. S/RES/781 (1992).
[25] UN/Doc. S/RES/819 (1993); UN/Doc. S/RES/824 (1993); UN/Doc. S/RES/836 (1993).
[26] UN/Doc. S/RES/872(1993).

Lacking the necessary logistical and human resources and enforcement powers to implement the above mandates, the UN missions failed to fulfil their stated objectives in these three countries. In Somalia, aid convoys were raided by local militias, twenty-three Pakistani peacekeepers were killed while trying to disarm militias loyal to the Somali warlord Farah Aidid and the UN mission was pulled out of the country following the killing of eighteen American soldiers in the hunt for Aidid.[27] In Bosnia-Herzegovina, the delivery of humanitarian supplies was obstructed by the Serbs and the "safe areas" could not be protected. In Srebrenica, where the UNPROFOR Commander once had assured the refugees that "they were under United Nations protection and that he would not abandon them",[28] approximately 8,000 Bosnian Muslim men and boys were killed within days in July 1995 by the Bosnian Serb forces while the international community was negotiating with their military leaders.[29] The Dutch peacekeepers, who were assigned to protect the "safe area", withdrew from the camp after it fell to the Serbs. Authorised to use force only to defend themselves, the Dutch peacekeepers did not have the means, support and mandate to fulfil the task of protecting the camp.[30] In Rwanda, the UN failed to prevent the genocide and "stop the killings once the genocide had begun"[31] and subsequently evacuated from the country following the killing of ten Belgian peacekeepers by Hutu extremists.

Coordination problems, inadequate logistic and human resources, lack of enforcement powers to implement the complex mandates assumed, and lack of political will by UN member states to address the difficulties encountered on the ground, where there was no peace to keep, contributed to the failure in Somalia, Rwanda and Bosnia-Herzegovina.[32] The failure in these three operations and the difficulties encountered on the ground led to a retreat from peacekeeping in the mid-1990s. This was followed by the formulation of a new, more comprehensive, multi-

[27] Alex J. Bellamy, Paul Williams and Stuart Griffin, Understanding Peacekeeping, (Cambridge: Polity, 2004), pp. 158-159.
[28] United Nations, "Report of the Secretary-General pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica", General Assembly Document, A/54/549, (15 November 1999d), para. 38.
[29] Ibid., paras. 318-393.
[30] Bellamy, Williams and Griffin, 2004, p. 84
[31] Independent Inquiry, "Report of the Independent Inquiry into the Actions of the United Nations During the 1994 Genocide in Rwanda", UN Document, S/1999/1257, (15 December 1999), p. 3.
[32] Bellamy, Williams and Griffin, 2004, 135-140; pp. 158-159; Kaldor, 1999, p. 113, 127; United Nations, 1999d; Independent Inquiry, 1999.

dimensional conflict resolution strategy towards the end of the 1990s to effectively address violent internal conflict, seen as being tied to governmental and institutional weaknesses, and mitigate its adverse effects on regional and international peace and stability.[33] The new policy was based on the integration of military intervention and post-war reconstruction into conflict resolution,[34] and the incorporation of a number of actors into post-conflict reconstruction.[35] These actors included regional military and political organisations such as NATO, EU, OSCE, ECOWAS (Economic Community of West African States), OAU (Organisation of African Unity) and OAS (Organisation of American States), pivotal states (such as Australia in the Pacific region and Nigeria in Africa), national and international development agencies (IMF, World Bank, UNDP, USAID etc.), and civilian, non-governmental and private agencies. The new strategy also included an expansion in powers and functions assumed by the UN such as policing, institutional capacity-building, infrastructure reconstruction and reconciliation in the post-armed conflict period.[36]

Referred to as "new humanitarianism",[37] "new interventionism",[38] "liberal internationalism",[39] "new military humanism",[40] or "imposition of the liberal peace"[41] in the literature, this new strategy was based on the exercise of an increasing level of interference by external actors in every aspect of governmental affairs in the post-military intervention period. It was claimed that sovereignty[42] and non-intervention[43] would in no way pose a challenge to external intervention because sovereignty was no longer as absolute as in the past:

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[33] Bellamy, Williams and Griffin, 2004, pp, 84-85.
[34] Alexandros Yannis, "State Collapse and its Implications for Peace-Building and Reconstruction", *Development and Change*, 33:5 (November 2002), p. 826; Mark Duffield, *Global Governance and the New Wars* (London and New York: Zed Books, 2001), p. 11.
[35] Bellamy, Williams and Griffin, 2004, pp, 41-44; 84-88; Paris, 2004, pp. 28-34; Duffield, 2001, pp. 53-71.
[36] Bellamy, Williams and Griffin, 2004, pp, 165-173.
[37] Duffield, 2001, p. 11.
[38] Yannis, 2004, p. 826.
[39] Paris, 1997, 2004.
[40] Noam Chomsky, *The New Military Humanism: Lessons from Kosovo*, (London: Pluto Press), 1999.
[41] David Chandler, "The Responsibility to Protect? Imposing the 'Liberal Peace'", *International Peacekeeping*, 11:1 (Spring 2004), pp. 59-81.
[42] Article 2(1) of the UN Charter states that the UN system "is based on the principle of the sovereign equality of all its Members".
[43] Article 2(7) of the UN Charter maintains that "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter".

> State sovereignty, in its most basic sense, is being redefined – not least by the forces of globalisation and international co-operation. States are now widely understood to be instruments at the service of their peoples, and not vice versa. At the same time individual sovereignty – by which I mean the fundamental freedom of each individual, enshrined in the charter of the UN and subsequent international treaties- has been enhanced by a renewed and spreading consciousness of individual rights. When we read the charter today, we are more than ever conscious that its aim is to protect individual human beings, not to protect those who abuse them.[44]

In fact, responding to 'state failure' and humanitarian crisis situations was asserted to be falling under the international community's "responsibility to protect" when states fail to save their populations "from avoidable catastrophe – from mass murder and rape, from starvation":[45]

> Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.[46]

Aiming to prevent the recurrence of violent conflict rather than ending clashes between belligerents and alleviating its humanitarian consequences on civilian populations, this new conflict resolution strategy was based on the restructuring of conflict-affected societies and creation of "the *enabling conditions* for a functioning peacetime society".[47] This entailed the use of developmental tools and initiatives[48] and rebuilding the state and its institutions along liberal democratic lines.[49] This new policy was tested in Kosovo and East Timor. The optimism in the capacity of liberal democracy to break the cycle of violence[50] was influenced by four

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[44] Kofi Annan, "Two Concepts of Sovereignty", *The Economist*, 352, (18 September 1999), p. 49.
[45] International Commission on Intervention and State Sovereignty (ICISS), "The Responsibility to Protect", *Report of the International Commission on Intervention and State Sovereignty*, (December 2001), p. viii, available at http://www.iciss.ca/pdf/Commission-Report.pdf [accessed 12 October 2005].
[46] Ibid., p. xi.
[47] World Bank, *Post-Conflict Reconstruction The Role of the World Bank*, (Washington, DC: World Bank, 1998), p. 4.
[48] Duffield, 2001, p. 11-17.
[49] Bellamy, Williams and Griffin, 2004, pp. 237-240; Kirsti Samuels and Sebastian von Einsiedel, "The Future of UN State-Building: Strategic and Operational Challenges and the Legacy of Iraq", *International Peace Academy Policy Report*, (New York, 14-16 November 2003), pp. 3-4; Chesterman, 2005 [2004], p. 5.
[50] See, among others, Boutros-Ghali, 1992, 1996; Kofi Annan, "The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa", *Report of the Secretary-General to the Security Council*, S/1998/318 (16 April 1998); Idem, "Support by the United Nations System of the Efforts of Governments to Promote and Consolidate New or Restored Democracies", *Report of the Secretary-General to the Security Council*, A/53/554, (29 October 1998); Idem, "Support by the United Nations System of the Efforts of Governments to Promote and Consolidate New or Restored Democracies", *Report of the Secretary-General to the Security Council*, A/55/489, (13 October 2000); Panel on United Nations Peace Operations, "Report of the Panel on United

main factors. These were (1) the perceived 'positive relationship' between democracy and development;[51] (2) the rise of the democratic peace thesis (i.e., democratic states do not wage war against each other),[52] leading to the view that spread of liberal democracies will contribute to international peace and security and foster sustainable global trade relations and economic prosperity;[53] (3) the proposition that democratic societies are internally more peaceful than authoritarian countries because democracy offers institutional mechanisms such as protest, voting and negotiation that facilitate peaceful resolution of social conflicts;[54] and (4) the notion that Western liberal democracy became "the only model of government with any broad ideological legitimacy and appeal in the world"[55] following the demise of socialist regimes in Eastern European countries.

The September 11 attacks brought the 'failed state' issue back to the centre of international politics and the US security agenda.[56] Since the Somalia debacle, the US was pursuing a selective humanitarian intervention policy towards 'failed states'.

Nations Peace Operations" [Brahimi Report], A/55/305-S/2000/809, (21 August 2000), available at http://www.un.org/peace/reports/peace_operations [accessed on 27 March 2005]. For an excellent discussion of UN peace operations undertaken in the post-Cold War era to transform societies with a recent experience of violent domestic conflict into liberal democratic polities, see, for example, Roland Paris, *At War's End: Building Peace After Civil Conflict*, Cambridge, New York: Cambridge University Press, 2004.

[51] The Noble Prize Winner Economist Amartya Sen, for example, asserted that "no substantial famine has ever occurred in any independent and democratic country with a relatively free press" because "facing elections and criticisms from opposition parties and independent newspapers" democratic governments have the incentive to take necessary measures to prevent famines and cope with the humanitarian, economic and social effects of other disasters. Amartya Sen, "Democracy as a Universal Value', *Journal of Democracy* 10:3 (July 1999), pp. 7-8. See also Boutros Boutros-Ghali *et al.*, *The Interaction between Democracy and Development* (Paris: United Nations Education, Scientific and Cultural Organisation, 2002), http://unesdoc.unesco.org/images/0012/001282/128283e.pdf [accessed 21 May 2005];
Jagdish N. Bhagwati, "Democracy and Development: Cruel Dilemma or Symbiotic Relationship?", *Review of Development Economics* 6:2 (June 2002), pp. 151-162.

[52] See, for example, Doyle (1983).

[53] William J. Clinton, *A National Security Strategy of Engagement and Enlargement, 1995-1996*, (Washington, DC: Brassey's Inc.: 1995).

[54] Ted Robert Gurr, *Peoples Versus States: Minorities at Risk in the New Century*, (Washington DC: United States Institute of Peace Press, 2000), Chapter 3; Idem, "Ethnic Warfare on the Wane", *Foreign Affairs*, 79:3 (May / June 2000), pp. 52-64; Boutros-Ghali, 1996; R. J. Rummel, Democracy, Power, "Genocide, and Mass Murder", *The Journal of Conflict Resolution*, 39:1 (March 1995), pp. 3-26; Idem, *Death by Government*, (New Brunswick, New Jersey: Transactions Publishers, 1994).

[55] Larry Diamond, Juan Linz, and Seymour Martin Lipset (eds), *Democracy in Developing Countries: Comparing Experiences with Democracy, Africa*, (Boulder, Colorado: L. Rienner; London: Adamantine Press, 1990), vol. 2, p. x. For a further discussion of liberal democracy as a 'universal value', see also Sen, 1999.

[56] Yannis, 2002, pp. 818, 827; Foreign Policy and the Fund for Peace, "The Failed State Index", *Foreign Policy* 149 (July / August 2005), p. 57.

As Daalder and O'Hanlon point out, since 1993, the US intervened "only when humanitarian crises occurred near US territory or in Europe, only when extremely few US casualties were expected, and only when the president's [Bill Clinton] own rhetoric had essentially forced the administration to do so".[57] This argument can be seen to explain the US inaction in Rwanda but its involvement in Haiti (1994), Bosnia-Herzegovina (1995) and Kosovo (1999).[58]

Although George Bush had stated during the 2000 presidential elections that Africa was not one of the "top priorities" on his security agenda,[59] he called his European allies to promote "liberty, peace and growing prosperity" in the continent and "strengthen Africa's fragile states" in the post-September 11 period because 'state failure' is a global security problem:

> [T]he events of September 11, 2001, taught us that weak states, like Afghanistan, can pose as great a danger to our national interests as strong states. Poverty does not make poor people into terrorists and murderers. Yet, poverty, weak institutions, and corruption can make weak states vulnerable to terrorist networks and drug cartels within their borders.[60]

Often used in the context of the 'war against terrorism' argument, the term 'failed state' in the post-September 11 period has increasingly been associated with the emergence within a disintegrated state of warlords, gangs and other non-state actors, pursuing hostile policies to "the fundamental values and interests of the international society such as peace, stability, rule of law, freedom and democracy".[61] These states such as Afghanistan, Somalia and Liberia, where central governmental authority has collapsed and territory is 'captured' by non-state actors, are now frequently cited as the source of all 'evil' from drug production and trafficking and international terrorism to weapons proliferation and global pandemics.[62]

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[57] Ivo H. Daalder and Michael E. O'Hanlon, "Unlearning the Lessons of Kosovo", *Foreign Policy*, 116 (Autumn 1999), p. 139.
[58] Ibid.
[59] Commission on Presidential Debates, "The Second Gore-Bush Presidential Debate", (11 October 2000), available at http://www.debates.org/pages/trans2000b.html [accessed 12 July 2007].
[60] George W. Bush, "The National Security Strategy of the United States of America", (September 2002), p. 10, available at http://www.whitehouse.gov/nsc/nss.pdf [accessed 16 April 2005].
[61] Yannis, 2002, p. 819; Foreign Policy, 2005, p. 57.
[62] Yannis, 2002, p. 819; Foreign Policy, 2005, p. 57.Chester A. Crocker, "Engaging Failing States", *Foreign Affairs* 82:5 (September / October 2003), 32–44; Rotberg, 2002a, pp. 86-90; Idem, "Nation-State Failure: a Recurring Phenomenon?", *Discussion Paper*, (6 November 2003), pp. 1-4; Fukuyama 2004, pp. ix-xi, 92-4; Rice 2003, p. 2. 2; Commission on Weak States and US National Security, *On the Brink: Weak States and US National Security*, (Washington, DC: Center for Global Development, 2004); Stuart E. Eizenstat, John Edward Porter and Jeremy M. Weinstein, "Rebuilding Weak States", *Foreign Affairs*, 84:1 (January / February 2005), p. 137.

The categorisation of 'failed states' has also expanded in the post-September 11 period. Some observers such as senior British diplomat Robert Cooper have divided the world into three zones occupied by "pre-modern" states (former colonies which turned into 'failed states'), "traditional modern" states (such as India and China) and "post-modern" states (Western European states).[63] Some others have tested the institutional and functional aspects of "stateness" in terms of their capacity to perform security, representation and welfare functions.[64] This approach represents not only the disregard of the historical context within which the modern Western and post-colonial states have emerged but also a tendency to assign a set of "ideal criteria and functions" to the state and measure statehood on the basis of the extent to which these criteria are satisfied.[65]

The result of this approach has been the placement of the world's states on an imaginary scale starting with 'successful' or 'strong' states and ending with the 'weak', 'fragile', 'dysfunctional', 'failing', 'failed' and 'collapsed'.[66] Different 'evaluators' produced different numbers and varying degrees of 'weakness' / 'fragility' / 'failure'. The British Department for International Development (DFID), for example, ranked 46 countries as 'fragile' in 2005[67] while the World Bank listed some 30 countries as "low income countries under stress".[68] *Foreign Policy* "indexed" 76 countries, of which 33 were classified as "alerting" and 43 as "warning" countries in the same year.[69] Those standing on the far end of the 'stateness scale', most of which are former African and Asian colonies, are said to have failed to meet the criteria of the modern state and claimed to be in need of

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[63] See, for example, Robert Cooper, "The New Liberal Imperialism", *Observer* (7 April 2002), http://observer.guardian.co.uk/worldview/story/0,11581,680095,00.html [accessed 2 June 2005]; Straw, 2002.

[64] Jennifer Milliken and Keith Krause, "State Failure, State Collapse and State Reconstruction: Concepts, Lessons and Strategies", *Development and Change* 33:5 (November 2002), p. 753.

[65] Ibid., pp. 754-762.

[66] See for example, Rotberg, 2004; Foreign Policy and the Fund for Peace, "The Failed State Index", *Foreign Policy* 149 (July / August 2005), pp. 56-65; Foreign Policy and the Fund for Peace, "The Failed State Index", *Foreign Policy* 149 (July / August 2005), pp. 56-65; Idem, "The Failed State Index", 154 (May / June 2006), pp. 50-58; Idem, "The Failed States Index 2007", *Foreign Policy* 161 (July / August 2007), pp. 54-63; World Bank, "Low-Income Countries Under Stress (LICUS)", http://www.worldbank.org/ieg/licus/licus06_map.html [accessed 29 November 2006].

[67] DFID, 2005, pp. 27-8.

[68] The list of LICUS countries can be found at http://www.worldbank.org/ieg/licus/docs/appendix_b.pdf [accessed 2 November 2006].

[69] An electronic version of the list can be viewed at http://www.fundforpeace.org/programs/fsi/fsindex2005.php [accessed 29 April 2006].

urgent international engagement and support,[70] including through recolonisation in the form of "new liberal imperialism"[71] or "empire lite" if necessary.[72]

Failed State Index by Foreign Policy	Severe LICUS by World Bank
Côte d'Ivoire	Afghanistan
Congo DR	Angola
Sudan	Central African Republic
Iraq	Haiti
Somalia	Liberia
Sierra Leone	Myanmar
Chad	Solomon Islands
Yemen	Somalia
Liberia	Sudan
Haiti	Zimbabwe

Table 2.1. Two different lists of 'ten weakest or least successful states' released in 2005 (Adapted from, World Bank, "Which Countries are LICUS?", http://www.worldbank.org/ieg/licus/licus05_map.html; "The Failed States Index", *Foreign Policy*, 149, July / August 2005).

The classifications of states under such headings, based on broad as well as subjectively-defined sets of criteria used to distinguish their degree of 'success' or 'strength', have provided a rationalisation or justification for external intervention. Intervention is justified in terms of the urgency of taking preventive actions to strengthen 'weak' states before they 'fail'. It aimed to avert the effects of 'state weakness / failure' on global security and its humanitarian impact on the lives of the populations living in these states.[73] The rationale is that because 'failed states' pose a great danger to their citizens and the international system, they cannot be left to on their devices. In other words, intervention is "imperative".[74] As Jack Straw, former British Secretary of State, put it in the following way:

> As members of an international community, we cannot but be concerned at the implications for the human rights and freedoms of those who are forced to live in such anarchic and chaotic conditions. Yet the events of September 11 devastatingly illustrated a more particular and direct reason for our concern. For it dramatically showed how a state's disintegration can impact on the lives of people many thousands of miles away, even at the heart of the most powerful democracy in the world. In these circumstances turning a blind eye to the breakdown of order in any part of the world, however distant, invites direct threats to our national security and wellbeing. I believe therefore that preventing states from failing and resuscitating those that fail is one of the strategic imperatives of our times.[75]

[70] British Department for International Development (DFID), *Why We Need to Work More Effectively in Fragile States* (London: DFID, January 2005); Rotberg, 2002a, 2002b, 2003, 2004; Fukuyama, 2004; Ignatieff, 2002.
[71] Cooper, 2002.
[72] Michael Ignatieff, *Empire Lite: Nation Building in Kosovo, Bosnia, Afghanistan*, (Toronto: Penguin Canada, 2003).
[73] Rotberg, 2002a, pp. 94-96.
[74] Ibid., p. 96.
[75] Jack Straw, "Failed and Failing States", Speech at the European University of Birmingham, UK, (6 Septemer 2002), http://www.eri.bham.ac.uk/events/jstraw060902.pdf [28 May 2005].

However, the international community's commitment to addressing 'state failure' and humanitarian emergency situations in respect to its "responsibility to protect" has continued to be selective in the post-September 11 period, as in the 1990s. While there has been no decisive intervention in Sudan or Congo DR, which have often been ranked as the most 'vulnerable' states, the Western governments intervened in Iraq, although it was not exactly a 'failed state', if it is defined in terms of the exercise of sovereign capacity to control territory and provide public security. Congo DR, where, as of April 2007, 5.4 million people died since 1998 as a result of the fighting, hunger and disease,[76] has hardly been covered in the media, remaining a forgotten conflict. In Sudan, the fighting between the pro-government Arab Janjaweed militias and African rebel groups in the Darfur region cost the lives of at least 200,000 people since 2003 and led to the displacement of 2 million Sudanese.[77] The international community's inadequate commitment to implementing the "responsibility to protect", in turn, has given rise to strong criticisms[78] and fuelled doubts about the intent of humanitarian intervention and democracy promotion.

2.3. Review of the Literature on Nation-Building

The literature on nation-building can be reviewed on the basis of two time frames: the early nation-building theories of the 1950s and 1960s and the more recent literature that flourished in the post-Cold War era.

The participation in the 'community of states' of former colonies in Asia and Africa as 'new' states in the 1950s and 1960s, sparked a growing intellectual interest among American political scientists in studying the process of national integration leading to the emergence of the modern Western nation-state system.[79] Based on

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[76] International Rescue Committee, *Mortality in the Democratic Republic of Congo: An Ongoing Crisis*, (2007), p. ii., available at http://www.theirc.org/resources/2007/2006-7_congomortalitysurvey.pdf [accessed 14 July 2008].

[77] International Crisis Group, "Darfur: The Failure to Protect", *Africa Report*, 89, (8 March 2005, p. 3.

[78] See for example, Paul D. Williams and Alex J. Bellamy, "The Responsibility to Protect and the Crisis in Darfur", *Security Dialogue*, 36:1 (2005), pp. 27-47; Nsongurua J. Udombana, "When Neutrality Is A Sin: The Darfur Crisis and the Crisis of Humanitarian Intervention", *Human Rights Quarterly*, 27:4 (2005), pp. 1149-1199.

[79] Examples to some of these works are Gabriel A. Almond and G. Bingham Powell Jr, *Comparative Politics: A Developmental Approach*, (Boston, Toronto: Little, Brown and Company, 1966); Gabriel A. Almond and Sydney Verba, *The Civic Culture: Political Attitudes and Democracy in Five Nations*, (Princeton, New Jersey: Princeton University Press, 1963); Rupert Emerson, *From Empire to Nation: The Rise to Self-Assertion of Asian and African Peoples*, (Cambridge, Massachusetts: Harvard University Press, 1967); Lucian W. Pye, *Aspects of Political Development*, (Boston and Toronto:

Western states' experience of 'modernisation', these scholars prescribed a 'success formula' for national development to be followed by the newly independent nations. Treating Western European and North American countries' road to political, industrial, economic and social development as a 'universal' experience, the modernisation school theorists of the 1950s and 60s assumed an evolutionary path that the newly independent African and Asian states would / should follow in the same way.

The term nation-building was first introduced and conceptualised by Karl Deutsch, well known exponent of the "communication approach" variant of the modernisation school, to describe the process of assimilation of different cultural and linguistic groups into nations, in other words, political, economic and social integration along national lines. Nation-building denoted (1) the formation of group consciousness, cohesion and identity around shared interests and common cultural characteristics, e.g. the land inhabited, language and some other shared cultural characteristics, and (2) the development of a government apparatus and political authority, and (3) absorption of cultural groups into nations.[80]

Deutsch explained nation-building in terms of the assimilation of cultural minorities into the larger, dominant social unit and formation of a new identity at the national level as an outcome of two types of process; one planned and the other unplanned. The former refers to deliberate policies and strategies, such as education and language policies, pursued by political elites to bring isolated, peripheral ethnic, tribal or cultural groups with central state structures and integrate them into a bigger whole – the nation. The latter, which he called 'social mobilisation', refers to a process in which individuals gradually become uprooted from their kinship relations, local cultures and traditions and become available for new patterns of communication. It denotes the movement of individuals, coming from diverse ethnic, tribal, cultural, linguistic, regional or other backgrounds, to urban centres, where they would be exposed to new social, economic and cultural relations and behaviour.

Little, Brown and Company, 1966).

[80] See for example, Karl W. Deutsch, "Nation-Building and National Development: Some Issues for Political Research", Karl W. Deutsch and William J. Foltz, (eds.), *Nation-building*, (New York: Atherton Press, 1963), p. 3; Karl Friedrich, "Nation-Building?", Ibid., p. 32; Joseph Strayer, "The Historical Experience of Nation-Building in Europe", Ibid., p. 25-26; Hermann Weilenmann, "The Interlocking of Nation and Personality Structure", Ibid., pp. 40-42; David A. Wilson, "Nation-Building and Revolutionary War", Ibid., p. 84.

Increasing levels of social communication and economic intercourse, Deutsch suggested, would result in national integration, defined in terms of the disappearance of ethnic, tribal or cultural peculiarities and assimilation of small ethnic, cultural or tribal groups into the dominant group.[81]

Deutsch argued that the establishment of "new and inescapable contacts" in urban centres and spread of modern communication facilities in the newly independent nations would weaken kinship relations and links, local customs, cultures and dialects. He suggested that this would lead to the 'absorption' of smaller groups into larger national units and socio-cultural homogenisation as happened in Western Europe in the past.[82] He criticised the view that tribes in Asia and Africa were fixed and unlikely to change in a significant way and argued that the 'absorption' of the tribes in African and Asian states was possible:

> Tribes, we know from European history, can change their language and culture; they can absorb other tribes; and large tribes came into existence through federation or mergers of smaller tribes or through their conquest and absorption by a larger one…Yet in contemporary Asia and Africa, the rates of cultural and ethnic change, still low, are likely to be faster than they were in early medieval Europe…Research is needed to establish more reliable figures, but it seems likely from the experience of ethnic minorities in other parts of the world that the process of partial modernisation will draw many of the most gifted and energetic individuals into the cities or the growing sectors of the economy away from their former minority or tribal groups, leaving these traditional groups weaker, more stagnant, and easier to govern.[83]

Deutsch specified four main stages by which national integration would take place: (1) Open or covert resistance to political amalgamation into a common national state; (2) minimal integration to the point of passive compliance with the orders of such an amalgamated government; (3) deeper political integration to the point of active support for such a common state but with continuing ethnic or cultural group cohesion and diversity; and (4) the coincidence of political amalgamation and integration with the assimilation of all groups to a common language and culture.[84] The formation of national identities and their adoption by diverse ethnic / tribal groups as a common, integrative identity that would at least serve to reduce the salience of, and eventually eliminate, centuries-old ethnic / tribal peculiarities in Asia

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[81] Deutsch, 1963, pp. 5-9; Idem, *Nationalism and Its Alternatives*, (New York: Alfred A. Knopf, 1969), pp. 3-27; Idem, *Nationalism and Social Communication: An Inquiry into the Foundations of Nationality*, (New York: The Massachusetts Institute of Technology and John Wiley & Sons; London: Chapman & Hall, 1953), 70-126.
[82] Deutsch, 1953, pp. 97-126;
[83] Idem, 1963, pp. 4-5.
[84] Deutsch, 1963, pp. 7-8.

and Africa, which he considered mainly in linguistic terms, would be a long process. On the other hand, he was optimistic. Arguing that linguistic assimilation in medieval Europe took between one hundred and four hundred years, Deutsch suggested that modern immigrant populations in cities tended to assimilate much faster, within twenty to fifty years, especially where there are social, economic and cultural incentives.[85]

Rupert Emerson, another well-known theorist of the modernisation school, argued that forging a national identity and achieving the people's loyalty to the state would be a difficult, if not an unrealistic, task to achieve, depending on the capacity of post-colonial states to fulfil a set of conditions.[86] Reiterating the importance of transportation and communication means and social mobilisation in the growth of nations, Emerson suggested the below roadmap to build a sense of national community in the newly emerged independent states in Africa:

1. development of a nation-state as the source of good and desirable things and shared interests, its operation in a similar fashion to all its people, and its capacity to set the law under which they live;
2. economic planning employed as a means to achieve social mobilisation – peoples' movement from the place and community into which they were born to new ones and their exposure to new social and economic relationships and contacts;
3. economic and social development accompanied by improvement in transportation and communication means, resulting in the emergence of a national economy that would not only bind individuals and groups to the existing order but also would create a stimulus or stake in the maintenance of national strength and unity due to the fact that those once tied to local clan structures would be given the opportunity to exercise national mobility and enter into a money economy.[87]

In this process of national integration, Emerson attached a special role to formal education systems and international actors. Emerson suggested that the school

[85] Ibid., p. 9.
[86] Rupert Emerson, "Nation-Building in Africa", Karl W. Deutsch and William J. Foltz, (eds.), *Nation-Building*, (New York:: Atherton Press, 1963), pp. 95-111.
[87] Emerson, 1963, pp. 115-116.

system would enable the political elites of the newly independent states to "indoctrinate" a national culture and generate "like-minded" individuals, which he argued, as "the foundation of a nation".[88] He also argued that the US and its Western capitalist allies had the responsibility to promote the Western model of government as a "desirable" pattern of political, economic and social development in the newborn states of Asia and Africa in order to "offset the appeal of communism" in the developing world. Emerson outlined three major roles for the capitalist members of the international community; supervising the process of decolonisation, maintaining peace and security in post-colonial states, and providing financial and political assistance to achieve economic growth and social development in these states.[89]

The early literature, in other words, treated nation-building as a strategy to achieve political and economic development in post-colonial states. It was based on the view that if the newly developed African and Asian states would adopt the same political, economic and social structures, they would achieve the same political, economic and social development that Western European and North American states had. It had two main components: 1) construction of a functioning government and differentiated political institutions as the leading agents of achieving a profound societal, political and economic transformation through scientific, technological and industrial development; and 2) creation of a common identity in terms of the assimilation of diverse ethnic, linguistic, tribal or cultural groups into a bigger congruent as a result of increasing urbanisation, schooling and advances in communication and transportation facilities.

The term nation-building has been associated in the post-Cold War literature with a process of coercive democratisation in societies facing the threat or actuality of 'state failure'. In two RAND publications and a study produced by the Carnegie Endowment for International Peace, for example, nation-building is defined in terms of the use of force by individual states and international organisations and their involvement in restoring and strengthening state capacities in foreign societies along democratic lines with the intent of forming the basis of a fundamental societal

[88] Ibid., pp. 110-112.
[89] Rupert Emerson, *From Empire to Nation: The Rise to Self-Assertion of Asian and African Peoples*, (Cambridge: Harvard University Press, 1960), pp. 407-419.

transformation in the post-military intervention period.[90]

The use of military power has been treated as the factor distinguishing the term nation-building from state-building, Dobbins *et al*, for example, argued that state-building – reforming and strengthening government institutions – does not "normally or necessarily" entail the use of force by outside powers.[91] According to Dobbins *et al*, nation-building does not denote the "suppression or homogenisation of distinct cultures within a given society"[92] but the use of military force to promote a process of transformation to democracy.[93] In the same vein, Ottaway suggested that nation-building does not intend to construct the nation through imposing a common identity on deeply fragmented peoples,[94] but "to organise states that can administer their territories and allow people to live together despite differences".[95]

However, adding military intervention to the definition of external actors' engagement in achieving political transformation in foreign territories does not affect the nature or focus of the task at hand: construction or modification of the state along liberal democratic lines. Therefore, it should still be called state-building. An analysis of the international community-led democratic transition in post-conflict societies requires differentiating nation-building from state-building in terms of the target and scope of actions and policy initiatives undertaken by international and domestic actors: achieving a sense of community and belonging among individuals at the national level and forming a political authority with the capacity to monopolise the use of legitimate force and exercise sovereignty throughout the entire territory. Such a two-level analytical approach is necessary to study the reconstruction of conflict-affected societies, because as argued in Chapter 1, these societies undergo two separate but interacting processes in the post-armed conflict period and the interaction between these processes affects the international community-guided democratisation.

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[90] Dobbins *et al.*, 2003, 2005; Minxin Pei and Sara Kasper, "Lessons from the Past: The American Record on Nation-Building", *Carnegie Endowment for International Peace Policy Review*, (24 May 2003), p. 1. It can be found at www.carnegieendowment.org/pdf/files/Policybrief24.pdf [accessed 24 July 2005].
[91] Dobbins *et al.*, 2005, p. 2.
[92] Ibid.
[93] Ibid., p. 1.
[94] Ottaway, 2002a, p. 17.
[95] Ibid.

Having clarified this point, it is important to note that the literature on nation-building produced in the post-Cold War era reflects diverging views on coercive democratisation following military intervention justified either in humanitarian terms or within the context of the 'war against terror' argument. These diverging approaches can be classified under the following headings:

1. Basing the conduct of intervention on a set of universal principles: As noted earlier, the international community's commitment to democracy promotion and responding to 'state failure' and its humanitarian consequences has been selective in the post-Cold War era. In some cases, such as in northern Iraq (1991), Somalia (1992), Bosnia-Herzegovina (1995), Kosovo (1999) and East Timor (1999), military interventions for human rights protection purposes have taken place with or without Security Council authorisation. In some other cases such as in Afghanistan (2001) and Iraq (2003), the conduct of military interventions was justified on the basis of an array of security, political and humanitarian concerns. In many other cases, such as in Rwanda, Sudan and Congo DR, where the scale of human rights violations amounted to a humanitarian emergency situation, the international community, however, has been unwilling to take a decisive action.

Pointing to the dangers of this selective approach on the international legal and political order, some commentators stressed the need for formulating a legal and political framework or a doctrine of intervention to prevent a pretext for abusive intervention.[96] Towards this aim, a number of scholars and international agencies proposed a set of criteria, based on a mixture of cosmopolitan and solidarist conceptions of international relations:[97] that is, a) regardless of national, religious, cultural, racial, gender and other differences, all individuals are bound together as a single moral community with shared values, rights and obligations that transcend

[96] Danish Institute of International Affairs, *Humanitarian Intervention: Legal and Political Aspects*, (Copenhagen: Danish Institute of International Affairs, 1999), pp. 103-104; Bartram S. Brown, "Humanitarian Intervention at a Crossroads", *William and Mary Law Review*, 41 (1999-2000), pp. 1709-1711; Ove Bring, "Should NATO Take the Lead in Formulating a Doctrine on Humanitarian Intervention?", *NATO Review*, 47(3), Autumn 1999, pp. 24-27.

[97] Nicholas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society*, (Oxford, New York: Oxford University Press, 2000); Bartram S. Brown, "Humanitarian Intervention at a Crossroads", *William and Mary Law Review*, 41 (1999-2000), pp. 1722-1739; Michael Walzer, "The Argument About Humanitarian Intervention", *Dissent*, 49 (Winter 2002), pp. 29-37; Kaldor, 1999; Danish Institute of International Affairs, 1999; ICISS, 2005.

"the morally parochial world of the sovereign state";[98] b) therefore, in the event of the violations their fundamental rights and liberties by their rulers, other members of this "universal community of humankind" have a moral duty and right to take action to restore these rights and create the necessary conditions to ensure their exercise.[99]

Democracy, in this context, is seen representing a universal value or a right that guarantees individual autonomy within moral community. David Held, for example, argued that there is a duty to "work towards the establishment of an international community of democratic states and societies committed to upholding democratic public law both within and across boundaries" in order to achieve "freedom and autonomy for each and all".[100] Although seen as a universal right, democracy, it is argued, is difficult to institute, requiring external engagement and assistance:

> The establishment of a cosmopolitan model of democracy is a way of seeking to strengthen democracy "within" communities and civil associations by elaborating and reinforcing democracy from "outside" through a network of regional and international agencies and assemblies that cut across spatially delimited locales.[101]

In this individual-focused rather than state-centred conception of world politics, individuals are treated as the subjects of international law. Therefore, the principles of state sovereignty and non-intervention are no longer considered as a barrier or a shield that protects oppressive governments from external intervention. In fact, sovereignty, which is asserted to have eroded in a rapidly globalised world, is now being equated with the state's capacity to deliver justice and ensure the fundamental rights and freedoms of its citizens. That is, sovereignty is not absolute but conditional. This is argued to make international intervention for human protection purposes not only a legitimate action but also legally permissible. In this respect, Fernando Tesón, who is one of the most well-known proponents of humanitarian intervention, suggests the following:[102]

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[98] Andrew Linklater, "Cosmopolitan Citizenship", *Citizenship Studies*, 2:1 (1998), p. 26.
[99] J. L. Holzgrefe, "The Humanitarian Intervention Debate", J. L. Holzgrefe and Robert O. Keohane (eds.), *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*, (Cambridge; New York: Cambridge University Press, 2003), pp. 25-26, citing Hugo Grotius, *De Jure Belli ac Pacis*, (Oxford: Oxford University Press, 1925). See also Wheeler, 2000.
[100] David Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*, (Stanford: Stanford University Press, 1995), p. 229.
[101] Ibid., p. 237.
[102] Fernando R. Tesón, *Humanitarian Intervention: An Inquiry into Law and Morality*, second edition, (New York: Transnational Publishers Inc., 1997), pp. 173-174.

> The human rights imperative underlies the concept of state and government and the precepts that are designed to protect them, most prominently article 2(4). The rights of states recognised by international law are meaningful only on the assumption that those states minimally observe individual rights. The United Nations purpose of promoting and protecting human rights found in article 1(3), and by reference in article 2(4) as a qualifying clause to the prohibition of war, has a necessary primacy over the respect for state sovereignty. Force used in defence of fundamental human rights is therefore not a use of force inconsistent with the purposes of the United Nations.

Therefore, when a state oppresses and violates the autonomy and human rights of its citizens, it loses its "moral claim to full sovereignty".[103] In this respect, individuals' right to exercise their fundamental rights and freedoms enshrined in a number of international conventions and agreements accepted by the states "should be recognised as the highest principle of world order" and state sovereignty should be seen as a conditional norm.[104] When a state "egregiously" violates human rights of its citizens, other members of the society of states, in other words, "are not obliged to 'respect the sovereignty'" of that state and have the right to intervene.[105]

The proposals that were put forward towards setting some objective criteria for protecting individuals from a humanitarian catastrophe and creating the conditions for democratic government that will guarantee their fundamental rights and freedoms embody the following aspects:[106]

a) Circumstances That Require International Action: Presence of a "humanitarian necessity"[107] or a "supreme humanitarian emergency" situation[108] or "extreme cases of gross and massive violations of human rights o international humanitarian law"[109] that "shock the conscience of mankind":[110]

    i. large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed / weak state situation; or

[103] Michael J. Smith, "Humanitarian Intervention: An Overview of the Ethical Issues", Joel H. Rosenthal (ed.), *Ethics and International Affairs*, (Washington DC: Georgetown University Press, 1999), p. 289. See also, ICISS, 2005.
[104] Smith, 1999, p. 289.
[105] Ibid., p. 291.
[106] This framework derives from Walzer, 2002.
[107] Brown, 1999-2000, pp. 1726-1727.
[108] Wheeler, 2000, pp. 33-34.
[109] Danish Institute Report, 1999, p. 106.
[110] Walzer, 2002, p. 29; ICISS, 2005, p. xiii, 2, 31, 33.

ii. large scale 'ethnic cleansing' carried out by killing, forced expulsion, acts of terror or rape.[111]

b) Means and Limits of Engagement: All political and diplomatic remedies for the prevention or peaceful resolution of the humanitarian crisis should be exhausted and the use of military force should be the "last resort".[112] The scale, duration and intensity of the planned military action should be "proportionate" to the harm that it is intended to prevent or stop.[113]

c) Agencies of Intervention: The UN Security Council should be the "right authority" to decide on any matter relating to the use of force for human protection purposes. If it fails to act in the face of a threatened veto by permanent members, the General Assembly can consider the matter under the "Uniting for Peace" procedure.[114] Regional or sub-regional agencies can undertake collective enforcement actions to stop the humanitarian crisis provided that they seek authorisation from the Security Council and report to the Security Council.[115]

d) Ends of Intervention: The primary purpose of the use of military force must be to halt or avert human suffering.[116] Military intervention can be justified if there is a reasonable chance of success in halting or averting human suffering.[117] The intervening powers should withdraw after the humanitarian goal has been attained[118] and support the economic and social recovery of the target state.[119]

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[111] ICISS, 2005, p. 12, 33; Danish Institute of International Affairs, 1999, pp. 106-107.
[112] ICISS, 2005, pp. 36-37; Danish Institute of International Affairs, 1999, p. 109; Walzer, 2002, p. 33; Wheeler, p. 34; Jonathan Charney, "Anticipatory Humanitarian Intervention in Kosovo", *American Journal of International Law*, 93, (1999), p. 838; Richard A. Falk, "Kosovo, World Order, and the Future of International Law", *American Journal of International Law*, 93, (1999), p. 855.
[113] ICISS, 2005, p. 37; Brown, 1999-2000, pp. 1729-1730; Wheeler, 2000, p. 34; Falk, 1999, p. 856; Christine Chinkin, "Kosovo: A 'Good' or 'Bad' War", *American Journal of International Law*, 93 (1999), p. 844.
[114] As per General Assembly Resolution 377A (V) of 3 November 1950, the General Assembly has a subsidiary role in deciding on issues relating to international peace and security if "the Security Council, because of lack of unanimity of the Permanent Members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression".
[115] ICISS, 2005, pp. 49-55; Danish Institute Report, 1999, p. 108; Charney, 1999, pp. 838-839.
[116] ICISS, 2005, pp. 35-36; Danish Institute Report, 1999, pp. 109-110; Charney, 1999, p. 839.
[117] ICISS, 2005, p. xii, 37; Brown, 1999-2000, pp. 1731-1937; Wheeler, 2000, pp. 34-37.
[118] Danish Institute Report, 1999, p. 110; ICISS, 2005, p. 35.
[119] ICISS, 2005, pp. 39-43; Brown, 1999-2000, pp. 1737-1739.

The aforementioned criteria, which were incorporated by the International Commission on Intervention and State Sovereignty (ICISS) into the concept of the "Responsibility to Protect", may serve as guidelines for the legitimate conduct of intervention in states facing the threat or actuality of 'state failure'. However, as discussed earlier, the international community's commitment to responding to humanitarian crisis situations, resulting from or leading to 'state failure', has been selective. While in some cases military intervention have taken place, in many others they have not. Influenced by a mixture of political, economic, military, strategic and logistical factors and concerns, states are unwilling to develop, adopt and implement a legally binding mechanism for international intervention. The main reason for their reluctance, as Adam Roberts points out, is two-fold: While major powers do not want to commit themselves to undertaking military intervention in every possible case of humanitarian crisis, small states fear that a legal doctrine of humanitarian intervention might be used against them in the future.[120]

2. Benevolent re-colonisation: Another solution that scholars suggested to cope with 'state failure' is benevolent re-colonisation.[121] Mazrui, for example, put forward the idea of "benign colonisation" while Pfaff called for a "Euro-African trust organisation" to reverse the process of 'state failure' in Africa. Helman and Ratner, who argued that state sovereignty is "consistent" with the idea of guardianship or trusteeship, proposed a three-level UN "conservatorship" system as a temporary but necessary condition to "enable the state to resume responsibility for itself":[122] a) providing governance assistance in states with the risk of 'failure' such as Georgia and Congo DR (then Zaire); b) delegation of certain governmental functions to the UN in already 'failed' states such as Cambodia; c) establishing a direct trusteeship under the auspices of the UN in extreme cases of 'state failure'; states where there is no visible central government authority such as Somalia.[123]

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[120] Adam Roberts, "NATO's 'Humanitarian War' over Kosovo, *Survival*¸ 41:3 (Autumn 1999), p. 120.
[121] Helman and Ratner, 1992-3; Ali Mazrui, "Decaying Parts of Africa Need Benign Colonisation", *International Herald Tribune*, (4 August 1994); William Pfaff, "A New Colonialism? Europe Must Go Back into Africa", *Foreign Affairs*, 74:1 (January / February 1995), pp. 1-6; Cooper, 2002; Ignatieff, 2003.
[122] Helman and Ratner, 1992-3, p. 17.
[123] Ibid., pp. 13-16.

The most radical policy option to address the issue of 'state failure' came from British Diplomat Robert Cooper, who served as policy advisor to Tony Blair: a "new kind of imperialism" albeit "one acceptable to a world of human rights and cosmopolitan values".[124] According to Cooper, Western states, which formed a sort of "cooperative empire", characterised by peace, security, freedom, interdependence and integration, face two kinds of threat, coming from "old fashioned states" and 'failed states'.[125] In dealing with these states, Cooper argued, Western states do not need to observe international law.[126] That is, Western states can recourse to military action, rely on global financial institutions for interference, replace non-democratic regimes and establish protectorates.[127]

3. Partition or secession: Instead of engaging in reconstituting state power and putting collapsed governmental and societal structures back together in societies torn by conflict,[128] some scholars proposed territorial division or secession as an alternative strategy for building sustainable peace.[129] Kaufmann, for example, suggests that reconciliation of groups involved in ethnic wars is almost impossible because ethnic mobilisation and massacres "harden ethnic identities to the point that cross-ethnic political appeals are unlikely to be made and even less likely to be heard".[130] He also notes that "intermingled settlement patterns create real security dilemmas that intensify violence, motivate ethnic "cleansing," and prevent de-escalation unless the groups are separated".[131] That is, the breakdown of central government structures in societies emerging from civil war produces the same effect that the lack of central authority in international politics does: uncertainty and self-

[124] Cooper, 2002.
[125] Ibid.
[126] Ibid.
[127] Ibid.
[128] For a discussion of the argument that statehood must be reconstituted in collapsed states, see for example, I. William Zartman, "Putting Things Back Together", I. William Zartman (ed.), *Collapsed States: The Disintegration and Restoration of Legitimate Authority*, (Boulder: L. Rienner Publishers, 1995b), pp. 267-273.
[129] Chaim Kaufmann, "Possible and Impossible Solutions to Ethnic Civil Wars", *International Security*, 20:4 (Spring 1996), pp. 136-175; John J. Mearsheimer and Stephen Van Evera, "Hateful Neighbors", *New York Times*, (24 September 1996); Idem, "Redraw the Map, Stop the Killing", *New York Times*, (19 April 1999).
[130] Kaufmann, 1996, p. 137.
[131] Ibid.

help.[132] One ethnic group's efforts to increase its own security by taking military and other measures is, in other words, perceived by other ethnic groups as a threat.[133] Fuelling ethnic fears and hostilities, hardened by war, this situation makes it extremely difficult, if not impossible, to establish multi-ethnic civil politics.[134] Under these circumstances, stable resolution of ethnic civil wars becomes possible "only when the opposing groups are demographically separated into defensible enclaves", which reduces the risk of violence.[135] Taking these factors into account, Mearsheimer and Van Evera suggested that the division of Bosnia-Herzegovina into two independent countries as the Serb Republic and Muslim-Croat Federation is the only way to ensure sustainable peace, security and stability in the Balkan region.[136]

In a similar fashion, Jeffrey Herbst proposed the idea of "let them fail" as an alternative approach to responding to 'failed' states where government structures have fallen apart and society has been divided.[137] He notes that despite the continued international involvement in promoting good governance through strengthening the capacity of governmental and institutional structures in many African states, which face the threat or actuality of 'state failure', little has been achieved towards this aim. This, Herbst suggests, results from the international community's misguided approach to 'state strength', characterised by a tendency of equating sovereign power with control of the capital.[138] He notes that in several African states, where the central government controls only the capital, there emerged alternative units and sources of power, which exercise sovereign authority and provide governmental services in varying degrees and forms.

Menkhaus, for example, notes that the people in Somalia have enjoyed varying "systems of governance" and in some places exercised "exceptionally high levels of peace, reconciliation, security, and lawfulness", provided by administrative

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[132] Barry Posen, "The Security Dilemma and Ethnic Conflict", *Survival*, 35:1 (Spring 1993), pp. 27-47.
[133] Ibid.
[134] Kaufmann, 1996, p. 139.
[135] Ibid.
[136] Mearsheimer and Van Evera, 1996, 1999.
[137] Jeffrey Herbst, *Let Them Fail: State Failure in Theory and Practice – Implications for Policy*, Robert I Rotberg (ed.), *When States Fail: Causes and Consequences*, (Princeton, NJ: Princeton University Press, 2004), pp. 302-318.
[138] Ibid., pp. 302-303.

units, established since the collapse of the central government in 1991.[139] These administrative units have included regional and trans-regional entities such as Somaliland and Puntland and a number of local polities consisting of coalitions of clan elders, businessmen and Muslim clergy, involved in the administration of financial services and *sharia* courts.[140]

In this context, Herbst suggests that instead of engaging in reinstating the old dysfunctional or collapsed state structures, the international community should develop alternative policies geared towards enhancing "the congruence between the way that power is actually exercised and the design of units".[141] This entails the recognition of the right to secession. Towards this aim, Herbst proposes a two-step policy: a) "decertifying" states which cannot fulfil their sovereign responsibilities of enforcing law and providing basic services in large parts of their territory; and b) developing a set of objective criteria for recognising and legitimating newly emerged alternative administrative units and power structures as 'new' states. This approach, Herbst argues, would encourage local rulers to aspire to international norms such as human rights and democracy and integrate into the international economy.[142]

4. Critical views on liberal peace: David Chandler[143] and Noam Chomsky[144] who have extensively written on the engagement of the UN and other members of the international community in promoting human rights and democratic government in conflict-affected societies the post-Cold War era, have interpreted international democracy promotion as the imposition of the will of the powerful on the weak or the continued efforts of Western states for reproducing power imbalances. The involvement of international governmental and non-governmental agencies in

[139] Ken Menkhaus, "State Collapse in Somalia: Second Thoughts", *Review of African Political Economy*, 30:97 (September 2003), pp. 405-422. pp. 407-409. See also, Ottaway, 2002b, p. 1004, 1013.
[140] Menkhaus, 2003, pp. 408-409.
[141] Herbst , 2004, p. 311.
[142] Ibid., pp. 312-316.
[143] David Chandler, *Bosnia: Faking Democracy after Dayton*, (London: Pluto Press, 2000); Idem, *From Kosovo to Kabul: Human Rights and International Intervention*, (London: Pluto Press, 2002); Idem, 2004; Idem, "Back to the Future? The Limits of Neo-Wilsonian Ideals of Exporting Democracy", *Review of International Studies*, 32 (2006a), pp. 475-494; Idem, *Empire in Denial: The Politics of State-building*, (London: Pluto Press, 2006b).
[144] Noam Chomsky, *The New Military Humanism: Lessons from Kosovo*, (London: Pluto Press 1999); Idem, *Hegemony or Survival: America's Quest for Global Dominance*, (New York: Henry Holt, 2004).

internal conflicts in non-Western societies in the form of providing humanitarian and development aid and promoting democratic government institutions, practices and principles, in other words, represented the perpetuation of Western imperialism in the developing world.[145] International intervention through providing humanitarian assistance especially when using military force, justified in moral terms, in this context, is described as just another manifestation of Western motives for global dominance. It is based on the use of the old, "familiar" thesis that "enlightened states should use force when they 'believe it to be just'"[146] with a view to "reliev[ing] the plight of the backward peoples of the world":[147]

> From a contrasting perspective, "the new interventionism" is replaying an old record. It is an updated variant of traditional practices that were impeded in a bipolar world system that allowed some space for non-alignment – a concept that vanishes when one of the two poles disappears. The Soviet Union, and to some extent China, set limits on the actions of the Western powers in their traditional domains, not only by virtue of the military deterrent, but also because of their occasional willingness, however opportunistic, to lend support to targets of Western subversion and aggression…With the Soviet deterrent in decline, the Cold War victors are more free to exercise their will under the cloak of good intentions but in pursuit of interests that have a very familiar ring outside the realm of enlightenment.[148]

In this respect, Chandler, who describes the adoption of human rights and democracy-emphasised foreign policy by Western states as the resurrection of the "divisive colonial framework of the 'White Man's Burden'",[149] argues that the international community's engagement in establishing democratic peace in the Balkan region, such as Bosnia-Herzegovina and Kosovo, has had "less to do with the problems of the region and more to do with the search for legitimacy and policy coherence on the part of international institutions and leading Western governments".[150] The inclusion of human rights, minority issues and consolidation of democracy in domestic governmental and political frameworks of Eastern European societies as part of their membership process in Western institutional structures in the post-1989 period indicates the emergence of new standards of good governance in

[145] Chomsky, 1999.
[146] Ibid., p. 12.
[147] Ibid., p. 77.
[148] Ibid., p. 11.
[149] Chandler, 2000, p. 200.
[150] Ibid.

the post-Cold War era.[151] This situation, according to Chandler, represents a division between 'mature' democracies and 'new' democracies that need to be supported and regulated by the former, thereby, providing a powerful justification for external intervention.[152]

In this context, Chandler suggests that Western institutions, such as the OSCE, which link the issues of democratic governance and protection of minority rights to domestic and international security, have tended to focus on democratic government problems and regulate policy development around minority rights in the 'new' democracies of Eastern Europe while disregarding similar problems in 'mature' Western democracies such as native Americans in the US, and the Turkish, Arab and Asian minorities in Germany, France and Britain.[153] In the same way, Chomsky harshly criticises NATO's unauthorised use of military force against Serbia to save Albanians from ethnic cleansing through emphasising the reluctance of Western governments to take similar action against Turkey to protect human rights of the Kurds, extensively reported by international human rights organisations.[154] The international community's "humanitarian" policy, in this respect, is seen as representing not only the operation of the "new standard setting regulations" in a selective manner but also the persistence of a tendency to "minimise" problems in Western states or states involved in Western political and security institutions while "exaggerating" the same in those states outside the West.[155] This situation, Chandler argues, implies a new East/West divide; not between states with liberal democracy and those without but between the 'mature' Western democracies and those states perceived to be lacking in some way.[156]

Like Chomsky, Chandler explains the growing emphasis put by leading Western governments on defending democratic rights and freedoms as universal values in terms of the reinterpretation of Western foreign policy objectives in the post-Cold War era. He suggests that the moralisation of foreign policy through rejecting the Realist perception of the state-based international system characterised

[151] Ibid., pp. 19-20.
[152] Ibid., p. 16.
[153] Ibid., p. 20.
[154] Chomsky, 1999, pp. 6-10.
[155] Ibid.
[156] Ibid., p. 14.

by competition and conflicting interests of power was motivated by Western states' desire to legitimise their claim for global power.[157] For Chandler, the increasing involvement of international governmental and non-governmental agencies in promoting democracy and human rights in 'failed' states or potentially 'failing' states exemplifies the tendency of Western states to perceive non-Western governmental and societal structures as backward or inadequate frameworks to prevent violent conflict.[158] In this respect, he points to the portrayal of conflict in non-Western societies as 'irrational' violence or simply a product of cultural and civilisational characteristics, driven by ethnic hatred and other internal problems, exacerbated by criminal elites, rather than by rational or legitimate political motives.[159] This representation of the contemporary non-Western conflict as a dynamic of its own, which has served to strengthen the image that these societies do not have the capacity to regulate or prevent conflict by themselves, has justified Western intervention as a necessary action to create and safeguard local and regional security through building the capacity of civil society and promoting political and economic development.[160]

International state-building, in this context, for Chandler, represents nothing more than a strategy developed by Western governments for the purpose of building a sustainable "cooperative relationship" between themselves and preventing potential divisions that may arise from their diverging economic and political interests rather than promoting democratic government and building sustainable peace in the conflict-affected society in question.[161] Western powers' willingness to get involved in democratising post-conflict societies, in other words, has helped to perpetuate "this co-operative relationship, not merely because the language of democratisation allows involvement to be seen as taking the high moral ground, nor because it provides a flexible framework for self-flattery while denigrating the 'ethnic rivalries' of the less civilised" peoples.[162] For Chandler, these are important aspects of legitimising a relationship of domination in non-Western societies but the key to

[157] Chandler, 2000, 2002.
[158] Chandler, 2000, 2002, 2004, 2006a, 2006b.
[159] Idem, 2006a, pp. 484-485.
[160] Ibid; Idem, 2000, pp, 29-32.
[161] Chandler, 2000, p. 188.
[162] Ibid.,

understanding the engagement of Western institutions in democracy promotion in conflict-affected societies is that democratisation, which is a gradual process with no fixed definitions and time-limits, allows Western actors to regulate local political and social processes as long as they wish.

According to Chandler, the international community's undertaking of the democratisation process through exercising wide-ranging executive and regulative powers in conflict-affected societies represents not only a contradiction between the stated objective (promoting democratic self-government) and the means applied to achieve it (authoritarianism) but also a racist approach that formed the basis of colonialism: "some cultures are not rational or civil enough to govern themselves".[163] He suggests that the international community's interventionist approach to reconstructing post-conflict societies, which is based on excluding local parties from the decision-making process, restricts democratic accountability while undermining the self-government and autonomous decision-making capacity of the state at all levels; local and national.[164] Chandler argues that the imbalance of power between Bosnian and international policy makers, which has widened in time as a result of the extension and redefinition of international mandates,[165] weakened the capacity of the state institutions to operate autonomously, creating relations of dependency.[166]

In this context, Chandler argues that the use of extensive interventionist and regulatory powers is met with "denial" by international actors who exercise these wide-ranging powers.[167] He notes that bureaucrats representing Western institutions and governments tend to stress their role as "merely facilitators" despite the fact that

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[163] Ibid., p. 3.
[164] Ibid., pp. 85-181; Idem, "How 'State-Building' Weakens States", *Spiked Essays*, (24 October 2005).
[165] Originally, as per the Dayton Agreement, the international transitional period was envisioned for one year, during which elections would be held and two sets of joint institutions would be created: the political institutions of the state which would be elected and be directly accountable, and the economic, judicial and human rights institutions which would be filled through the appointment of international representatives for five or six years. These states bodies were established and elections were held by September 1996 but the transitional administration was prolonged for a "consolidation period" to facilitate democratic development, ethnic reconciliation and effective governance while new mandates for NATO, OSCE, the UN and OHR were defined by the international community. See, Chandler, 2001, p. 115.
[166] Chandler, 1999, p. 3; Idem, "Bosnia: The Democracy Paradox", *Current History*, 100:644 (March 2001), pp.114-119.
[167] Chandler, 2006b.

they set strict conditions on gaining access to external loans and credits as well as on obtaining membership to international organisations.[168] Chandler suggests that Bosnia-Herzegovina, for example, has repeatedly been portrayed as an independent state with the capacity to negotiate with the EU rather than as an entity being run by it,[169] although the scope of powers exercised by the High Representative amounts to an international protectorate.[170] In the case of Iraq, he notes that the invasion of the country in 2003 was "marked by bans on the coalition forces raising national flags and the rapid removal of the Stars and Stripes when it was displayed by victorious US forces".[171] According to Chandler, this 'denial' of the exercise of political, economic and military power as well as accountability by Western institutions and governments not only represents their reluctance to appear as colonial but also exemplifies their reluctance to take responsibility for problems and mishaps in these countries.[172]

The above points that Chomsky and Chandler make provide a significant contribution to understanding the contradictions and limitations of the international community's engagement in humanitarian intervention and democracy promotion, characterised by a highly selective and interventionist approach. The selective conduct of international intervention for human protection purposes, affected by the political interests, preferences and practical concerns of the leading members of the international community, is in fact nothing new. As Michael Walzer rightly points out, there have been "more occasions for intervention than…actual interventions".[173] In this context, it can be said that despite the rejection of the Realist portrayal of international politics and state behaviour and the growing emphasis on cosmopolitan security frameworks aiming to protect the rights of individuals in a globalised world, the international community's continued selective approach to humanitarian intervention and democracy promotion illustrates the persistence of Realist style behaviour in the post-Cold War era. State behaviour, in other words, is still shaped by the considerations of power and national interest rather than the prioritisation of

[168] Ibid.
[169] Since February 2002, the High Representative has also been serving as the EU's Special Representative in Bosnia-Herzegovina.
[170] Chandler, 2006b, p. 8; Idem, 2000, p. 189.
[171] Chandler, 2006b, p. 8.
[172] Ibid., pp. 9-11; Idem, 2000, p. 189.
[173] Walzer, 2002, p. 30.

individual rights and freedoms. As noted earlier, most of the world's states are unwilling to adopt an objectively defined, legally binding humanitarian intervention framework. While major Western powers do not want to commit themselves to taking political and military action in every humanitarian crisis situation, some other major actors such as China and Russia and a number of small states, most of which are criticised for their limited or poor performance in human rights by international human rights associations, tend to see the adoption of such a legal framework as a 'Trojan horse' that could potentially be used against them in the future. Under these circumstances, it seems unrealistic to expect a fundamental change in international law and norms and the universal adoption of an objectively defined doctrine of international intervention setting the conditions, means and ends of military intervention.

Regarding the exercise of extensive interventionist roles and powers by external actors, the use of military force and the concentration of powers in non-elected, external agents in the aftermath of military intervention represent a contradiction between the means and ends: protecting human rights by relying on military force and promoting democratic principles through non-democratic methods. The exercise of executive and regulatory powers by external agents in the post-military intervention period sets a negative example for the implementation of democratic principles and norms in places where there is little or no prior experience of democratic government. It also tends to limit the autonomy and self-sufficiency of societies where democracy is introduced to promote the notion of good governance. Political representation, accountability and transparency, emphasised by the international community as the fundamentals of good governance, are seldom observed by international actors, which enjoy immunity from local laws and avoid consultation with and accountability to local populations.[174] Representing a democracy deficit, this situation, in turn, has an undermining effect on the ability of newly-established government institutions to make and implement autonomous decisions and on the capacity of local populations to hold their governments accountable.

[174] Chesterman, 2005; Chopra, Jarat. "The UN's Kingdom in East Timor", *Survival*, Vol. 42, No. 3 (Autumn 2000), pp. 27-39; Idem, "Building State Failure in East Timor", *Development and Change*, Vol. 33, No. 5 (November 2002), pp. 979-1000.

The new imperialism thesis provides a critical analysis of the portrayal of contemporary conflicts in non-Western societies as a means of justification for external intervention.[175] The description of internal conflicts in the developing world arising from institutional and societal structures incapable of democratic self-government and conflict regulation rationalises the international community's engagement in transforming conflict-affected societies through building public institutions, reconstructing social relations and changing behaviours and attitudes of the populations concerned.[176] Despite this emphasis put on the relationship between internal conflict and state capacity, the international community is far from accepting the impact of past economic policies, pursued by international financial institutions, in weakening the state capacity and the rise of "shadow" states in the developing world.[177] While many African rulers used the privatisation of state assets as a means for developing extra-legal trans-border networks to pursue their personal interests, the downsizing of the public sector led to an increase in the number of the unemployed.[178] The failure of the World Bank and IMF-led structural adjustment and market liberalisation policies to alleviate economic problems through reducing public expenditures on education, health, security and infrastructure in the 1980s was followed by the emergence of a number of sub-regional and regional networks of parallel economies in West and Central Africa, where local resources are linked to trans-border markets.[179] The pursuit of deregulation and privatisation of public goods and services, in other words, contributed to the weakening of the state in Africa while strengthening the reliance of the populations on informal, non-state actors and networks for ensuring their survival and meeting their basic needs and services.[180]

The new imperialism argument, however, has several important flaws. It looks at the international community's engagement in promoting humanitarian policies and democratic government structures in non-Western societies as the

[175] Duffield, 2002, p. 32.
[176] Idem, 2001, pp. 1066-1067.
[177] Duffield, 2001, 2002; William Reno, "Shadow States and the Political Economy of War", Mats Berdal and David Malone (eds.), *Greed and Grievance: Economic Agendas in Civil Wars*, (Boulder, CO: Lynne 1999), pp. 43-68.
[178] Duffieild, 2002, p. 1056.
[179] Ibid., pp. 1056-1059.
[180] Duffield, 2001, 2002.

outcome of one single motive; establishing global domination. This is not to disregard the hierarchical and interventionist types of relations shaped by power imbalances that have continued to characterise the current international system in the post-Cold War era but to point to the mixed or complex nature of the international community's policy motives. It is not simply material gains, be it political, territorial, military or economic, but also other factors including humanitarian, ideological, strategic, logistical and cultural concerns that affect the international community's policy choices and decision to where, when and how to intervene. It is not simply about exercising hegemonic political, economic and military control but is also related to promoting regional and world-wide security and stability and coping with or responding to humanitarian issues raised by international governmental and non-governmental organisations as well as by the media. One therefore should not assume that motives and factors that affect the international community's decision to intervene or not to intervene in intra-state conflict are simple rather than complex.

Another weakness of the new imperialism argument is related to its approach to the nature of relations between international and local agencies and its tendency to see the latter simply as the "archetypal victim" of Western "manipulation and oppression".[181] This is not to say that local actors are accepted as equal partners by the international community. On the contrary, as discussed throughout this thesis, they are given limited space for participating in political processes and issues related to establishing the institutional and societal basis of good governance that directly affect their present situation and political and social future. On the other hand, the portrayal of the international community's engagement in democratic state-building in conflict-affected societies simply as the imposition of the will of the powerful on the weak does not represent the type of relations between Western and local actors in full. This is not to say that there is not a hierarchy of power in the international system. The implementation of conditionality by Western financial institutions and governments, for instance, well illustrates the hierarchical nature of international relations. It is rather to point to the importance of the interaction between international and domestic actors and the impact of the considerations and practices of relevant domestic actors and structures on the prospect of the democratic

[181] Duffield, 2001, p. 33.

development process. Certainly, globalisation puts enormous pressures on national governments to adopt a set of standardised social and political arrangements in the areas of human rights, environmental protection, educational development and economic policy.[182] However, the adoption of these "standards" by national governments does not necessarily mean that they are fully implemented in practice and these policies simply reflect the ideals or interests of the leading members of the international community.[183] Concentrating on the behaviours and motives of international actors, Chandler and Chomsky, in this respect, end up marginalising the role of local actors, structures and environments, which they often emphasise while criticising the international community's approach to non-Western societies. While it is important to acknowledge the paradoxes of international democracy promotion, it is also necessary to approach the international community's involvement in promoting democratic governance in a more cautious way. Lumping together all instances of intervention as the resurrection of 'imperialism' or 'colonialism' has the risk of repeating the claims of dictators, who appear to blame everything that is going wrong in their countries on foreign involvement or Western governments pursuing imperialist aims.

One further weakness of the new imperialist thesis is that it does not offer an alternative solution in regards to "how else to reach the end point of stable and lasting peace" in conflict-affected societies[184] and how to respond to or address intra-state conflict, its domestic and global implications and actual and potential governmental problems that trigger conflict such as systematic human rights violations, political corruption, insecurity, environmental and infrastructure problems. Achieving the active participation of local actors and developing locally-produced solutions that address and reflect the needs and interests of the local populations concerned represents an ideal solution but the point is how to accomplish this goal. Should the UN and other members of the international community wait until one side wins a victory over another and expect the winning side to produce solutions and policies for good governance? Identifying the issues with the

[182] John W. Meyer, "The Nation as Babbitt: How Countries Conform", *Contexts*, 3:3 (Summer, 2004), pp. 42-47.
[183] Ibid., pp. 44-46.
[184] Paris, 2004, p. 209.

international community's involvement in democracy promotion and pointing to international aspects of conflict resolution are significant contributions; however it is equally vital to provide alternatives to solving or at least addressing governmental and societal problems faced in developing societies and problematic aspects of the international community's approach to conflict resolution through promoting democratic governance.

In this context, it is important to note that the issue of "when to intervene" is a significant aspect of debates on the involvement of external actors in intra-state conflict. However, since this thesis is concerned with understanding and evaluating the aspects of the international community's involvement in the reconstruction of political and social structures in Kosovo and East Timor in the post-conflict era, the focus of the study is on the question of "how to intervene". The issue of "when to intervene" therefore is beyond the scope of this study.

2.4. Building the Nation after Conflict

In today's world of nation-states, "nationness" is treated as "the most universally legitimate value in the political life of our time".[185] Having a nationality and national identity is taken for granted and treated like "hav[ing] a nose and two ears".[186] However, what Massimo d'Azeglio said at the first session of the Italian parliament just after the unification of the country, "We have made Italy, now we have to make the Italians",[187] illustrates its constructed nature. His remarks on the creation of the Italian state and Italian nation also indicate a distinction between nationalism and nationness or nationhood,[188] denoting two different phenomena.

Based on a "political principle, which holds that the national unit and the political unit should be congruent",[189] nationalism has become the driving force in the disintegration of empires and the emergence of the modern form of political organisation. Promoting the notion that the state should rule on behalf of people who share a distinct culture, nationalism has served as "a theory of political

[185] Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, revised edition, (London; New York: Verso, 1991), p. 12.
[186] Ernest Gellner, *Nations and Nationalism*, (Oxford: Blackwell, 1983), p. 6.
[187] Quoted in Eric Hobsbawm, *Nations and Nationalism since 1780: Programme, Myth and Reality*, (Cambridge; New York: Cambridge University Press, 1990), p. 4.
[188] Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe*, (Cambridge; New York: Cambridge University Press, 1996).
[189] Gellner, 1983, p. 1.

legitimacy"[190] to unify individuals, coming from different political, economic and social backgrounds, around a common goal of forming an independent or autonomous political organisation or governing unit of their own.[191] Nationalism can therefore be seen as a "politicising force that transforms cultural communities and other collectivities into gestative political entities"[192] through "locat[ing] the source of individual identity within a 'people', which is seen as the bearer of sovereignty, the central object of loyalty, and the basis of collective solidarity".[193] In addition to its capacity to engender the notion of self-determination based on the idea that the state and nation should be identical, nationalism also serves as an ideology to attain and maintain a sense of unity and create a collective political and cultural identity.[194] Nationness or nationhood, in this context, refers to the institutionalisation of a collective identity as a political and/or cultural form,[195] forged out of ethnic, cultural, territorial, political, economic and legal materials.[196]

The making of the nation, which refers to an "imagined" political community, whose members feel connected to each other even though they will never meet most of their fellow nationals in person,[197] is therefore about the development of a common consciousness of unity and solidarity among individuals, who share a mutual commitment to living together within the polity, as Ernest Renan suggested over a century ago:[198]

> A nation is a grand solidarity constituted by the sentiment of sacrifices which one has made and those that one is disposed to make again. It supposes a past, it renews itself especially in the present day by a tangible deed: the approval, the desire, clearly expressed, to continue the communal life. The existence of a nation (pardon this metaphor!) is an everyday plebiscite; it

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[190] Ibid.
[191] Anthony D. Smith, *National Identity*, (London, New York: Penguin Books, 1991), pp. 72-73; Michael Hechter, *Containing Nationalism*, (Oxford, New York: Oxford University Press, 2000), p. 7; M. Crawford Young, "Revisiting Nationalism and Ethnicity in Africa", *James S. Coleman Memorial Lecture Series*, (2004), p. 7. It can be reached via http://repositories.cdlib.org/international/asc/jscmls/Nationalism/ [accessed 27 July 2006].
[192] Brian Jenkins and Spyros A. Sofos, "Nation and Nationalism in Contemporary Europe: A Theoretical Perspective", Brian Jenkins and Spyros A. Sofos (eds.), *Nation and Identity in Contemporary Europe*, (London; New York: Routledge, 1996), p. 19.
[193] Liah Greenfeld, *Nationalism: Five Roads to Modernity*, (Cambridge, Massachusetts: Harvard University Press, 1992), p. 3.
[194] Smith, 1991, pp. 72-79; Montserrat Guibernau, *Nationalisms: The Nation State and Nationalism in the Twentieth Century*, (Cambridge: Polity Press, 1996), p. 3, 43-84.
[195] Brubaker, 1996, pp.15-17.
[196] Smith, 1991, pp. 14-16.
[197] Anderson, 1991, p. 15.
[198] John Hutchinson and Anthony D. Smith (eds.), Nationalism, (Oxford, New York: Oxford University Press, 1994), p. 17, citing Ernest Renan, *Qu'est-ce qu'une nation*, translated by Ida Mae Snyder, (Paris: Calmann-Levy: 1882).

is, like the very existence of the individual, a perpetual affirmation of life.

Referring to "grand solidarity" groups, nations are based upon the idea of a people held together by habits and facilities of communication.[199] Membership in a nation is determined by the ability of individuals to communicate effectively over a wider range of issues with each other.[200] Communication habits and facilities, which range from symbols such as languages, alphabets and systems of writing and painting to the material facilities such as libraries and monuments, serve to store and transmit a variety of information that enables individuals to conceive themselves as members of a political and cultural community.[201] The cultivation of a sense of solidarity and belonging among individuals coming from diverse social, economic and political backgrounds, in other words, is about the construction of a unifying collective identity and its socialisation through public education, the mass media and other means.[202]

Nations and national identities, which represent "cultural artefacts of a particular kind",[203] can be "imagined" and institutionalised in different ways. Regardless of whatever principles and elements they are built upon, it is important to note that national identities are shaped by political elites. The choice of language policies, writing of national historiography and adoption of national symbols reflect their specific objectives and considerations.

Language policies, which refer to "deliberate efforts to influence the behaviour of others, with respect to the acquisition, structure or functional allocation of their language codes",[204] occupy a significant place in the construction of national identities, which, as Gellner argues, are associated with standardised "high cultures", created and sustained by the state.[205] The creation of literate, standardised "high" or "garden" cultures, which Gellner defines primarily in terms of cultural and linguistic homogeneity, is a requirement of the modern state. He suggests that modern societies, which depend on "perpetual growth",[206] require "the modular man", who is

[199] Deutsch, 1953.
[200] Ibid., pp. 70-71.
[201] Ibid.
[202] Anderson, 1991; Gellner, 1983; Smith, 1991.
[203] Anderson, 1991, p. 12.
[204] Robert Leon Cooper, *Language Planning and Social Change*, (Cambridge: Cambridge University Press, 1989), p. 45.
[205] Gellner, 1983, pp. 50-52.
[206] Ibid., pp. 24-25.

"capable of performing highly diverse tasks in the same general cultural idiom, if necessary reading up manuals of specific jobs in the general standard style of the culture in question".[207] Modern societies, in other words, require individuals who have strong literacy, numerical and technical skills and able to communicate in a "context free" fashion; in a shared, standardised language.[208] Entailing the homogenisation of culture and language, this modern social organisation can only be sustained by the state, which provides a standardised public education system:[209]

> The standardised educational system which processes the totality of the human material which goes to make up the society, which turns the biological raw material into an acceptable and serviceable cultural product, is enormous, and exceedingly expensive. A large part of its cost tends to be taken up by the state or by its local sub-units. In the end, only the state, or the public sector in a slightly wider sense, can really shoulder this onerous responsibility, and only the state can perform the task of quality control in this most important of all industries, that is the production of socially acceptable, industrially operational human beings. This becomes one of its main tasks. Society must be homogenised…and the only agency capable of carrying out, supervising or protecting this operation is the central state.

Anthony Smith, who suggests that the power and persistence of nationalism comes from its emotional aspect such as ethnic myths, historical memories, symbols and traditions, describes the role of public education in inculcating a sense of national identity and solidarity in the following way:[210]

> National identities also fulfil more intimate, internal functions for individuals in communities. The most obvious is the socialisation of the members as 'nationals' and 'citizens'. Today this is achieved through compulsory, standardised, public mass education systems through which state authorities hope to inculcate national devotion and a distinctive, homogeneous culture, an activity that most regimes pursue with considerable energy under the influence of nationalist ideals of cultural authenticity and unity.

Similarly, Benedict Anderson, who explains the emergence of nationalism and nations as an outcome of the proliferation of "print capitalism" of newspapers and novels in vernacular languages, points to the role of education in the rise of anti-colonial national movements led by the bilingual local intelligentsia:[211]

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[207] Idem, *Conditions of Liberty: Civil Society and its Rivals*, (London: Hamish Hamilton, 1994), p. 102.
[208] Idem, 1983, p. 35.
[209] Idem, "The Coming of Nationalism and Its Interpretation: The Myths of Nation and Class", Gopal Balakrishnan (ed.), *Mapping the Nation*, (London: Verso, 1996), pp. 109-110.
[210] Smith, 1991, p. 16.
[211] Anderson, 1991, pp. 106-107.

> Third [factor that affected the rise of nationalism] was the spread of modern-style education, not only by the colonial state, but also by private religious and secular organisations. This expansion occurred not simply to provide cadres for governmental and corporate hierarchies, but also because of the growing acceptance of the moral importance of modern knowledge even for colonised populations…[T]he intelligentsia's vanguard role derived from its bilingual literacy…Bilingualism meant access, through the European language-of-state, to modern Western culture in the broadest sense, and, in particular, to the models of nationalism, nation-ness, and nation-state produced elsewhere in the course of the nineteenth century.

Mass media including books, newspapers, the radio and television contribute to generating and disseminating the feeling of national consciousness. They allow individuals coming from diverse class, ethnic, and educational backgrounds to "imagine" a group of other people who, simultaneously in time, consuming the same televised or print media narratives circulated, share common values and characteristics even though they have no direct contact with each other.[212]

The development of local vernaculars either as a result of the proliferation of "print capitalism"[213] or the creation and imposition of a "high culture" on society[214] contributed to the creation of political communities, "imagined as both inherently limited and sovereign"[215] towards the end of the 18th century.[216] This, however, does not necessarily mean that these newly emerging political communities, consisting of many linguistic and cultural groups, were homogeneous entities. The creation of the new state, as noted earlier, was only the beginning; the nation was going to be created afterwards either through "turning peasants into Frenchmen" or "making Italians".[217]

As noted earlier, national identities can be constructed in different ways. They can be created in ethnic terms, based on a myth of common ancestry, culture, language and religion. Alternatively, they can be constructed as civic or political entities, based on the exercise of citizenship rights and commitment to a set of

[212] Ibid., pp. 28-37.
[213] Anderson, 1991.
[214] Gellner, 1983.
[215] Anderson, 1991, p. 15.
[216] While Gellner and Hobsbawm argue that nationalism emerged in Western Europe after the French Revolution, Anderson suggests that the first nationalist aspirations came into existence in the creole states in the Americas.
[217] Hobsbawm, 1990, p. 91. Hobsbawm suggests that during the time of the Revolution in France, one half of the population did not speak French at all and only 12% spoke it properly. In the case of Italy, only 2.5% of the population used Italian for everyday purposes at the time of unification in 1860. Ibid., pp. 60-61.

common values and principles such as democracy, human rights and constitutionalism. This is, however, not to suggest that the civic conception of the nation does not contain any shared cultural characteristics. In fact, nationalisms, which serve to maintain the autonomy, unity and identity of the nation, involve both civic and ethnic ingredients in varying degrees and different forms.[218] Obtaining citizenship in many liberal democracies, for example, requires prospective applicants not only to express their allegiance to the fundamental principles of these countries but also speak the language, and, in some cases such as Australia, the Netherlands and Germany, know the culture and history of their adopted countries. What distinguishes civic nations from ethnic nations, as Will Kymlicka suggests,[219] is therefore not the absence of ethno-cultural components to national identity but the degree to which it allows individuals to "integrate into the common culture, regardless of race or colour".[220] The difference between civic and ethnic models of national identity, in other words, is about its inclusiveness or exclusiveness. The construction of collective identities in inclusive or exclusive terms, in this context, affects the prospect of building enduring peace through addressing the questions of "nationness" and "stateness" in post-conflict societies.

As also noted earlier, regardless of whatever principles they are based on, national identities are created and sustained by political elites. Political elites of the 19th century French state, for example, relied on primary education, public ceremonies such as the Bastille Day, mass production of public monuments, and the pursuit of strict, assimilationist language policies in education, military and civil service[221] to put into practice the policy of "one people, one nation, one language":[222]

> Breton was hunted out of the schools. Children caught using it [the Breton language] were systematically punished – put on dry bread and water or sent to clean out the school latrine…A favourite punishment…was the token of shame to be displaced by the child caught using his native tongue. The token varied…A child saddled with such a 'symbol' kept

[218] Smith, 1991.
[219] Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, (Oxford: Clarendon Press, 1995), p. 24.
[220] Ibid.
[221] Eric Hobsbawm, "Mass Producing Traditions: Europe, 1870-1914", Eric Hobsbawm and Terence Ranger (eds.), *The Invention of Tradition*, (Cambridge: Cambridge University Press, 1983), p. 271; Hobsbawm, 1990; Guibernau, 1996, pp. 67-70; Hechter, 2000, pp. 63-64; Anthony D. Smith, *Nations and Nationalism in A Global Era*, (Cambridge: Polity Press, 1996), p. 91.
[222] Guibernau, 1996, p. 70.

> it until he caught another child not speaking French, denounced him and passed it on. The pupil left with the token at the end of the day received a punishment.[223]

Similarly, many other Western European states pursued integrationist policies aimed at assimilate "periphery" communities to the culture of the dominant ethnic community in order to facilitate the principle of nation-state congruence based on cultural and linguistic homogeneity.[224] The Castilians, English and Swedes, whose elites and monarchs established centralised states, became the dominant cultures and assimilated the Catalan, Celtic, Welsh and Danish-speaking communities.[225] In other countries such as Prussia, Russia, Hungary and Japan, political elites implemented cultural homogenisation policies in varying degrees and different forms.[226]

The creation of a unifying national identity was one of the challenging issues in many post-colonial states, where the boundaries of the political community and socio-cultural unit were not "congruent". National integration involved the assimilation of ethnic or tribal groups into a homogeneous system of language and culture. In Sudan, for example, the national integration programme of the Arab-dominated state was based on the expansion of Islam and the Arab language. In Sri Lanka, where Sinhalese was the mother tongue of some 11 million people practicing Buddhism and Tamil was spoken by some 5 million people of mixed religious and ethnic groups during the time of independence in 1948, the state declared Sinhalese the official language in 1956.[227]

The pursuit of state-led purposeful national integration policies was not limited to post-colonial states. Recent examples include the multi-ethnic successor states to the Soviet Union and socialist Yugoslavia. In these states, political elites have tended to define the nation in ethnic terms and pursue cultural and linguistic homogenisation policies to promote the interests of the so-called "core" or "titular" nation. They regarded the "core" nation as being the "legitimate owner" of the state which was under threat from other ethnic or cultural groups within their territory.[228] Political elites of Serbia, Croatia, Azerbaijan, Estonia, Latvia, Ukraine and Kazakhstan have undertaken "nationalising" practices in varying degrees and forms

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[223] Hechter, 2000, p. 64, citing Eugen Weber, *Peasants into Frenchmen: The Modernisation of Rural France*, (Stanford, California: Stanford University Press, 1976), p. 313.
[224] Hechter, 2000, p. 63.
[225] Smith, 1996, p. 61; Guibernau, 1996, p. 70.
[226] Smith, 1996, pp. 92-93; Guibernau, 1996, p. 70.
[227] Guibernau, 1996, p. 125.
[228] Brubaker, 1996, p. 5, 63-66.

in education, language policy, mass media programming, migration policy, public sector employment, constitutional symbolism and citizenship legislation.[229] The Serbian state under Milosevic, for example, abolished Kosovo's autonomous status and deprived ethnic Albanians of their civil, political and cultural rights.[230] In Croatia, the new Constitution, adopted after its secession from Yugoslavia, declared "full state sovereignty" as the "historical right of the Croatian nation", demoting Serbs, who constituted some 10% of the population before the outbreak of war in 1991, from their previous status as "co-owners" of the Republic.[231] In Estonia and Latvia, Russian-speaking minorities, who settled after the Soviet occupation of 1940, were denied automatic citizenship after these states gained their independence in 1991.[232]

The pressure for national integration through oppressing, rejecting or modifying sub-cultural or ethnic identities, imposing the cultural identity of the dominant group and excluding minority groups from the political decision-making process have produced counter-nationalisms, leading to the intensification of intra-societal competition and at times the outbreak of violent conflicts. The imposition of Islam and the Arab language on non-Muslim communities in Sudan and the "Sinhalese only" language policy of the government in Sri Lanka exacerbated inter-communal rifts and led to the outbreak of civil war. In post-communist Eastern Europe, the oppression of ethnic diversity through the pursuit of "nationalising" policies has alienated minorities, producing ethnic tensions and conflicts such as in Kosovo.

The creation of a sense of national coherence, which Rustow defines in terms of the absence of doubt among a great majority of people within a given territory over the question of as to which political community they belong to", entails achieving some degree of consensus on a national identity.[233] A common overarching national identity which, David Miller suggests, is necessary to build a sense of allegiance and trust among citizens that facilitate the making of collective

[229] Ibid., pp. 55-76.
[230] Ibid., p. 70.
[231] Ibid., p. 71.
[232] Peter van Elsuwege, "Russian-Speaking Minorities in Estonia And Latvia: Problems Of Integration At The Threshold of the European Union", *European Centre for Minority Issues (ECMI) Working Paper*, 20 (Flensburg, Germany: April 2004).
[233] Rustow, 1970, pp. 350-352.

decisions and exercising a stable, functioning democracy.[234] This identity does not necessarily require cultural and linguistic homogenisation. As noted earlier, nationhood is about the development of a common consciousness of unity and solidarity among individuals, or what Ernest Renan calls a "daily plebiscite", which refers to their collective wish and commitment to living together within the same polity.[235] In other words, national identities are based on a belief or recognition shared by individuals who do not personally know each other but feel themselves as members of a national community and have some characteristics in common.[236] As also discussed earlier, nationhood also entails social communication, characterised by the ability of individuals within a community to communicate on a variety of issues with each other.[237] Although possessing a common language facilitates the development of social communication as well as the creation of a "high culture",[238] it is not necessarily an objective condition for generating a sense of unity. In Switzerland, which has four official languages (German, French, Italian and Romansh), individuals belonging to different ethnic groups still act as one people, communicate effectively with each other,[239] and share a common national identity or a shared "public culture" constructed around historical myths, societal experiences, an effective public welfare system, and common political values and institutions.[240]

The creation of a sense of national unity across diversity is therefore dependent on the degree to which equilibrium between groups is reached. This can be achieved through the recognition of plural or multi-cultural character of the nation and guaranteeing of individual and collective rights by the state.[241] The role of the state in multi-cultural or multi-ethnic settings, in other words, should be to create a political, legal, institutional, social and economic system conducive to the development of a sense of solidarity stemming from an all-encompassing national identity while ethnic and other cultural characteristics are also maintained.[242] This can be achieved through employing non-majoritarian political formulas such as

[234] David Miller, *On Nationality*, (Oxford: Clarendon Press, 1995), pp. 90-98.
[235] Hutchinson and Smith, 1994, p. 17.
[236] Anderson, 1991; Miller, 1995, p. 22.
[237] Deutsch, 1953.
[238] Gellner, 1983;
[239] Deutsch, 1953, p. 71.
[240] Miller, 1995, p. 22, 94, 98, 113.
[241] Kymlicka, 1995; Linz and Stepan, 1996b, pp. 33-34.
[242] Miller, 1995, p. 88.

"consociational" forms of government and political representation, pursuing inclusive and equal citizenship policies and nurturing "multiple and complementary political identities".[243] As discussed earlier, national identities are not fixed but constructed entities. They can be constructed in different ways and shaped around different factors such as state institutions. Political institutions seen representing all different ethnic or other social groups, for example, may generate a sense of civic identity.

In the case of post-conflict societies, divided along ethnic or other lines, the pursuit of "inclusiveness", which was defined in the Introduction chapter in terms of the recognition of diversity, and representation and involvement of individuals, coming from diverse backgrounds, in governmental, political, social and cultural processes that affect themselves and society, becomes extremely important. The formulation and implementation of inclusive initiatives and policies may help to forge a sense of belonging or least implant the notion of peaceful co-existence of groups around issues and decision that affect them all. This, in turn, may form the basis of peaceful resolution of the issue of "nationness". The undertaking of a reconciliation process designed to address the painful aspects of past conflict, for example, may foster a sense of "inclusiveness" and contribute to facilitating integration at the societal or national level. Aiming to transform antagonistic relations between groups and persons through changing their attitudes, perceptions, motivations, beliefs and ideas about each other and themselves,[244] reconciliation refers to a psychological and structural process as well as an outcome.[245] Entailing the "formation of a new outlook of the past",[246] reconciliation requires the fulfilment of certain material and psychological conditions. These conditions include finding a solution to the conflict that satisfies the fundamental needs and fulfils national

[243] Linz and Stepan, 1996b, pp. 34-35.
[244] Daniel Bar-Tal and Gemma H. Bennink, "Nature of Reconciliation as an Outcome and as a Process", Yaacov Bar-Siman-Tov (ed.), *From Conflict Resolution to Reconciliation: Reflections on the Theoretical and Practical Utility of the Term*, (Oxford: Oxford University Press, 2004), pp. 11-38; Louis Kriesberg, *Constructive Conflicts: From Escalation to Resolution*, (Lanham, Maryland; Oxford: Rowman and Littlefield Publishers, 1998), pp. 351-352; John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies*, (Washington, DC: United States Institute of Peace, 1997), pp. 26-27; Herbert C. Kelman, "Transforming the Relationship Between Former Enemies", Robert L. Rothstein (ed.), *After the Peace: Resistance and Reconciliation*, (Boulder: Lynne Rienner Publishers, 1999), p. 194.
[245] Bar-Tal and Bennink, 2004.
[246] Ibid., p. 18.

aspiration of parties involved in the conflict; parties' mutual acceptance of and respect for each other's existence, identity and welfare; and developing a sense of security and dignity for each group.[247] Reconciliation, in other words, requires the creation of new attitudes based on inclusion, empathy and respect.[248]

In Lederach's terms, reconciliation is the place where truth, justice, mercy and peace meet:[249]

1) Truth: Acknowledgement, recognition and validation of past human rights abuses, injuries, losses and suffering by members of adversary groups;
2) Justice: Restitution, reparation or restoration of losses and rights and punishment of those who committed harmful actions and injustices;
3) Mercy and forgiveness: Acceptance of those who acknowledged their past injurious conduct and apologised for their misdeeds by those who suffered harm;
4) Security and peace: Supporting mutual security and well-being.[250]

As Kriesberg rightly points out, although it is difficult to fully achieve reconciliation because it is almost impossible to satisfy all these different aspects, which reflect contradictory values and principles, the failure to reach at least some level of reconciliation is likely to produce instability and trigger conflict in the future.[251] Justice and mercy suggest two paradoxical principles and balancing these two components of reconciliation is a challenging and delicate process for society. Reconciliation measures taken to discuss the past and meet the psychological needs of the population, however, can be seen to form part of a political and social effort to prevent social amnesia. These measures are not limited to but include initiating interactive processes such as problem-solving workshops, conflict resolution training programmes and cooperative projects; providing psychological rehabilitation

[247] Kelman, 1999, pp. 197-201.
[248] Ibid., p. 199.
[249] Lederach, 1997, pp. 29-31.
[250] Kriesberg, 1998, p. 352; Lederach, 1997, p. 29; Ho-Won Jeong, *Peacebuilding in Postconflict Societies: Strategy and Process*, (Boulder, Colorado: Lynne Rienner Publishers Inc., 2005), pp. 156-157.
[251] Kriesberg, 1998b, p. 354.

assistance; establishing special institutional bodies such as truth commissions; adopting necessary legislative and institutional mechanisms to restore and guarantee people's rights and security; setting up formal legal and social justice mechanisms; and making use of traditional local community-level channels and initiatives.[252]

Workshops, training programmes and cooperative projects aim to establish an interactive process of conflict analysis, dialogue and communication through which adversary groups can gradually overcome their feelings of hate, mistrust, fear and their desire for revenge.[253] Problem-solving workshops mediated by a neutral third party, which enable individuals to express their experiences, perceptions and feelings in a safe environment, can help parties understand each other's suffering.[254] These workshops aim to deepen participants' analysis of the conflict and enable them to look at their shared problems and seek joint solutions.[255] Training programmes, which aim to educate people and teach them specific techniques, skills and approaches for dealing conflict in the form of analytical, communication and mediation skills, bring people from the same level of society but on different sides of the conflict.[256] The execution of cooperative projects in the economic sphere and in other cross-cutting areas such as public health, education, science and environmental protection can also help to establish interactive and functional relations while promoting commitments and expectations consistent with maintaining peaceful co-existence.[257]

Reconciliation can also be addressed by establishing truth commissions to clarify the question of what happened in the past, which is a precondition for socially and officially acknowledging the significance of the injury and preventing its recurrence in the future.[258] Truth commissions which seek "the truth" through the stories of victims and individual testimonies have moral implications for engendering collective responsibility for past wrongdoings and commitment to establishing

[252] Lederach, 1997, pp. 44-55; Jeong, 2005, pp. 158-165; Kelman, 1999, pp. 195-204.
[253] Jeong, 2005, p. 158; Kelman, 1999, pp. 201-202.
[254] Jeong, 2005, pp. 158-159.
[255] Lederach, 1997, p. 47; Kelman, 1999, pp. 195-196.
[256] Lederach, 1997, pp. 47-48.
[257] Kelman, 1999, p. 201.
[258] Jeong, 2005, pp. 163-164; Priscilla B. Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions*, (New York, London: Routledge 2001), pp. 25-29.

constructive relations in the aftermath of violence and oppression.[259] Remembering the past and testifying in public hearings is a painful experience for the victims and survivors and there is no magical solution or remedy for healing the wounds of the past and fixing all wrongdoings. In fact, it is debateable if "the truth" of what happened in the past can actually be established at all. The process of telling what they experienced and witnessed, however, can help victims restore their self-esteem while encouraging the perpetrators to accept public accountability for their misdeeds.[260] Truth telling can also be used to support the rights of the victims to seek compensation for their material and psychological losses.[261] Truth commissions established to investigate past crimes can help to prevent future abuses by clarifying individual and institutional responsibilities for abuses, outlining weaknesses in the institutional structures or existing laws, recommending necessary reforms to overcome these challenges, and publishing an accurate and detailed record of past abuses.[262] Public knowledge of past wrongdoings and institutionalisation of a common memory can serve to build a new society.[263]

Although the disclosure and acknowledgement of what happened in the past is a necessary condition for breaking with it and establishing a new society, it is not a sufficient condition for breaking the cycle of violence.[264] Reconciliation also requires justice, which serves as a deterrence against future abuses while reducing the risk of retribution and revenge by victims.[265] Justice, which is a "wider or thicker multi-dimensional concept", can be served in forms: prosecution and punishment of perpetrators for their criminal responsibility (retributive justice); restoration, rehabilitation and compensation of the harm done to the victim (restorative justice);[266] establishing fair rules and social behaviour (regulatory justice); and

[259] Brandon Hamber, "Forgiveness and Reconciliation: Paradise Lost or Pragmatism?", Peace and Conflict: Journal of Peace Psychology, 13:1 (2007), pp. 115–125. p. 117, citing Michael Humphrey, The Politics of Atrocity and Reconciliation: From Terror to Trauma, (London: Routledge, 2002), p. 106.
[260] Jeong, 2005, pp. 163-164.
[261] Ibid., p. 164.
[262] Hayner, 2001, p. 29.
[263] Jeong, 2005, p. 164.
[264] Ibid., p. 165.
[265] Ibid.
[266] David Bloomfield, *On Good Terms: Clarifying Reconciliation*, (Berlin, Berghof Research Center for Constructive Conflict Management, October 2006), pp. 20-21; Jeong, 2005, pp. 165-168.

seeking distributive and economic justice (social justice).[267] Delivering justice, which has many aspects (legal, political, social and economic), becomes a desirable but daunting task in traumatised societies such as Kosovo and East Timor where a large number of factions and their supporters are involved in fighting, murder, looting and rape.[268] The achievement of this objective entails the pursuit of a multi-dimensional policies and strategies geared towards establishing a secure and stable political and social environment. Its components include initiating an interactive and cooperative process, ensuring individual and group security, searching for the truth in relation to the past, creating accountability for past events, delivering justice in different forms, and encouraging a tolerant culture.

2.5. Conclusion

Building peace in societies emerging from violent conflict is a complicated, multi-dimensional process. It requires not only the establishment of competent government structures with the capacity to respond to social needs but also creating a sense of "imagined community" whose members have a shared commitment to living together within the same polity. The pursuit of "inclusive" policies, in this respect, may facilitate creating a sense of peaceful co-existence and belonging in post-conflict societies at least around shared principles, values and interests.

With the above in mind, the process of nation-building in Kosovo and East Timor will be analysed on the basis of the following framework:

1. Reconciliation: Establishment of mechanisms to heal the wounds of the past and address inter-group hostilities.
2. Social communication: Development of channels of dialogue and communication in society and cross-cultural contacts and transmission and exchange of information and messages.

3. Constructing a sense of national community around a shared collective identity: Process of collective identity construction, its components including language and education policies.

[267] Bloomfield, 2006, p. 21; Jeong, 2005, pp. 165-168.
[268] Jeong, 2005, p. 166.

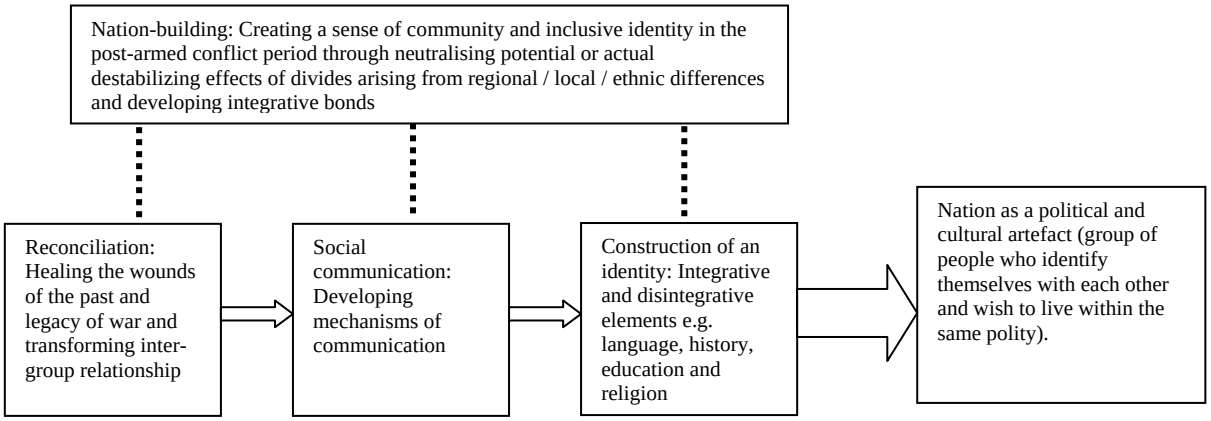

Figure 2.1. Aspects of achieving a sense of cohesive "imagined community" in the post-armed conflict period

Chapter Three
International State-Building in the Post-Cold War Era

> Observation tells us that every state is an association, and that every association is formed with a view to some good purpose. I say 'good' because in all their actions all men do in fact aim at what they think good. Clearly then, all associations aim at some good, that association which is the most sovereign among them all and embraces all others will aim highest, i.e. at the most sovereign of all goods. This is the association, which we call the state, the association which is 'political'.
>
> Aristotle

3.1. Introduction

The international community's growing, albeit selective, involvement in constructing 'good, sovereign political associations'[1] along democratic norms and principles in conflict-torn societies in the post-Cold War era, as discussed in Chapters 1 and 2, aims to prevent the recurrence of violent conflict. The international community's involvement, usually under the umbrella of the UN, in democratic state-building is based on two main convictions: (1) Intra-state conflicts, which have replaced inter-state wars in the post-Cold War era, often result from weak, incapable political systems, which 'fail' to deliver essential government functions, and address social and political grievances in an effective and democratic manner.[2] And (2) given the absence of the required domestic capacity, resources and willingness to reverse or prevent this process, the international community has the 'responsibility' to save these states from governmental breakdown and societal fragmentation so as to avert humanitarian and regional implications of 'state failure'.[3]

[1] Aristotle, *The Politics*, translated by T. A. Sinclair, (London, New York: Penguin Books, 1992), p. 54.
[2] Boutros-Ghali, 1992, 1996; Annan 1998a, 1998b; Kaldor, 1999; Ignatieff, 2002.
[3] International Commission on State Sovereignty and Intervention (ICSSI), 2001; British Department

This chapter reviews the externally-led democratic state-building process in societies emerging from violent conflict. It is structured in three main parts. The first part discusses the UN's increasing involvement in democratic state-building in the post-Cold War era. The second part addresses the question of "what to construct" in conflict-affected societies. The third part elaborates on the aspects of international state-building by focusing on the question of "how to construct the state in the post-conflict period". It also provides an analytical framework to explore the aspects of the process of state-building in Kosovo and East Timor in the next chapters.

3.2. The UN's Changing Role in the Post-Cold War Era

> "The United Nations is faced every day with internal conflicts, civil wars, secessions, partitions, ethnic confrontations and tribal struggles. It is these new conflicts which are most threatening to international peace today and which are most damaging to the rights of individuals. We have, therefore, to invent new responses and find new solutions. We must…promote, in the same spirit, a new diplomacy for democracy and human rights."
>
> Boutros Boutros-Ghali

Since the first deployment of peacekeeping operations to Palestine to oversee the truce called for by the Security Council during the Arab-Israeli war of 1948,[4] then to Egypt to ensure the withdrawal of the occupying forces in 1956,[5] and later to Congo DR in response to the first instance of 'state collapse' in 1960,[6] UN peacekeeping has developed as a mechanism to resolve armed conflicts. Described by former UN Secretary-General Dag Hammarskjöld as actions falling under "Chapter Six and a Half", which denotes something more than what Chapter VI of

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for International Development (DFIT), 2005; Rotberg, 2002a, 2002b, 2003, 2004; Fukuyama, 2004.

[4] United Nations Truce Supervision Organisation (UNTSO) was the first UN "observer mission" set up with the deployment of unarmed military personnel to monitor the peace in Palestine pursuant to the adoption of the Security Council Resolution 50 of 29 May 1948 which called for a cease-fire and its supervision by the UN Mediator, Count Folke Bernadotte of Sweden. For further information, see United Nations, *The Blue Helmets: A Review of United Nations Peace-keeping*, (New York: United Nations, Department of Public Information, 3rd edition, 1996), pp. 18-19.

[5] The first peacekeeping force consisting of lightly armed military personnel was established by the Resolutions adopted by the first emergency session of the General Assembly held between 1 and 10 November 1956 under "uniting for peace resolution" following the British and French vetoes in the Security Council and dispatched to Egypt (United Nations Emergency Force / UNEF I) to station along the Egyptian-Israeli border and facilitate the withdrawal of British and French forces from Egypt. Ibid., pp. 36-40.

[6] Established by Security Council Resolution 143 of 14 July 1960, United Nations Operation in the Congo (ONUC) was mandated to ensure the withdrawal of Belgian troops and provide "military assistance" to the Congolese government in restoring law and order.

the Charter of the United Nations prescribes on the use of diplomatic means but not quite as substantive as the provisions of Chapter VII on enforcement actions, peacekeeping was not envisioned by the drafters of the UN Charter but came into being during the Cold War as an *ad hoc* conflict resolution technique to address hostilities and prevent a direct super-power involvement in conflicts and thus deter the risk of escalation.[7]

During the Cold War, peacekeeping operations were largely deployed in response to conflicts in the Middle East and other regional conflicts in Africa and Asia stemming from decolonisation. These missions, which are now described in the literature as "traditional", "classic", "old" or "first generation" peacekeeping,[8] were established to oversee the implementation of cease-fire and related peace agreements and act as a neutral buffer zone between former warring parties while a political solution to the conflict was being sought.[9] Enjoying the explicit consent of the parties involved, peacekeepers acted with complete impartiality and were mandated to use force for only self-defence. With the exception of the Congo mission,[10] all other Cold War peacekeeping operations were small; composed of unarmed or lightly armed military personnel. It is also important to note that except for the

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[7] Indar Jit Rikhye, *The Theory and Practice of Peacekeeping*, (London: Hurst, 1984).

[8] See, for example, William J. Durch (ed.), *The Evolution of UN Peacekeeping: Case Studies and Comparative Analysis*, (New York: St. Martin's Press, 1993); Marrack Goulding, "The Evolution of United Nations Peacekeeping", *International Affairs*, 69:3 (July 1993), pp. 451-464; Paul F. Diehl, *International Peacekeeping*, (Baltimore: Johns Hopkins University Press, 1993); John Mackinlay and Jarat Chopra, "Second Generation Multinational Operations", *The Washington Quarterly*, 15:3 (Summer 1992), pp. 113-31; Steven R. Ratner, *The New UN Peacekeeping: Building Peace in Lands of Conflict after the Cold War*, New York: St. Martin's Press: Council on Foreign Relations, 1995); Ramesh Thakur and Albrecht Schnabel (eds.), *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (New York: United Nations University Press, 2001); United Nations, *The Blue Helmets: A Review of United Nations Peacekeeping*, (New York: United Nations, Department of Public Information, 3rd edition, 1996).

[9] Diehl, 1993; Goulding, 1993; Durch, 1993; Ratner, 1995.

[10] United Nations Operation in the Congo (ONUC) which was entrusted with both military and civilian duties was the first peacekeeping mission deployed in response to 'state collapse'. It was also the largest operation undertaken to that date. At its peak strength in July 1961, the mission comprised of nearly 20,000 international military and civilian personnel. ONUC's original mandate of ensuring the withdrawal of Belgian forces, assisting the Congolese government in maintaining law and order, and providing technical assistance was modified to include maintaining the territorial integrity and political independence of the country, prevent the occurrence of civil war and ensure the withdrawal and evacuation of all foreign military, paramilitary and advisory personnel who were not operating under the United Nations command, and all mercenaries. The mission was authorised to use force "if necessary, in the last resort". For further information, see UN Doc. S/RES/161 (1961) and UN Doc. S/RES/169 (1961) available via http://www.un.org/documents/sc/res/1960/scres60.htm [accessed 12 October 2005].

missions established in Congo DR (1960), West New Guinea or West Irian (1962),[11] and Cyprus (1964),[12] the Cold War operations were deployed in response to inter-state conflicts.

Since the year 1988, when UN peacekeepers were awarded the Noble Peace Prize for their efforts in ending conflict and securing peace, peacekeeping went through a significant transformation.[13] The number of peacekeeping operations increased from five in 1988 to eleven in 1992 and to sixteen in 1998. Compared to thirteen peacekeeping operations deployed over the period 1948-1988, thirty-five peacekeeping operations were authorised between 1988 and 1998. This growth in the number of operations was accompanied by an increase in the number of military and civilian personnel deployed; with the annual peacekeeping budget rising from $230 million in 1988 to $3.6 billion in 1995.[14] At the end of July 1995, approximately 65,000 military personnel, 1,700 civilian police and 6,000 civilian personnel served in sixteen peacekeeping operations.[15]

Most of these operations, which are now referred to as "new", "second generation" or "multi-dimensional" peacekeeping in the literature, were assigned complex mandates designed to settle conflicts and establish sustainable peace. The

[11] Between 1 October 1962 and 1 May 1963, the territory of West New Guinea was temporarily administered by the UN to facilitate its transfer from Dutch to Indonesian rule by a popular consultation as agreed by the two states. Concluded in New York on 15 August 1962 without the consent of the Papuan people but between the Netherlands, coloniser, and Indonesia, claimant over the control of the territory, and recognised by the UN, the Agreement Concerning West Papua Guinea provided that the territory would be administered by the United Nations Temporary Executive Authority (UNTEA). UNTEA was mandated to facilitate the transfer of the control of the territory to Indonesia. For further information, see "Agreement between the Republic of Indonesia and the Kingdom of the Netherlands Concerning West New Guinea (West Irian)", (15 August 1962), 437 UNTS 274. The UN General Assembly adopted Resolution 1752 on 21 September 1962 and authorised the Secretary General to carry out the tasks entrusted in the Agreement. It is available via http://www.un.org/documents/ga/res/17/ares17.htm [accessed 15 September 2005].

[12] Following the outbreak of inter-communal violence in December 1963, the UN Security Council authorised the establishment of the United Nations Peacekeeping Force in Cyprus (UNFICYP) to restore law and order and prevent the recurrence of fighting between the Greek and Turkish Cypriots. See, UN Doc. S/RES/186 (1964).

[13] Durch, 1993; Mats R. Berdal, *Whither UN Peacekeeping?: An analysis of the Changing Military Requirements of UN Peacekeeping with Proposals for its Enhancement*, (London: Brassey's for the International Institute for Strategic Studies, 1993); Ratner, 1995; Agostinho Zacarias, *The United Nations and International Peacekeeping*, second edition, (London, New York: I.B. Tauris Publishers, 1999).

[14] Boutros Boutros-Ghali, "Peacemaking and Peacekeeping for the New Century", Olara A. Otunnu and Michael W. Doyle (eds.), *Peacemaking and Peacekeeping for the New Century*, (International Peace Academy, 1998), p. 21.

[15] United Nations, "Report to the Secretary General on the Work of the Organisation", *General Assembly Document*, A/50/1, (22 August 1995), p. 81.

peacekeeping missions in Namibia (1989), El Salvador (1991), Angola (1991), Mozambique (1992) and Cambodia (1992), for example, were established to implement comprehensive peace agreements concluded by relevant local parties involved in the conflict in question. In some cases, UN peacekeepers operated within the context of ongoing violence such as in Somalia, Rwanda and Bosnia-Herzegovina, where the fighting and hostilities continued due to the absence of a cease-fire agreement or its limited implementation.

The scope of tasks assigned to peacekeepers also widened in the post-1988 period. These new tasks included disarmament, demobilisation and reintegration of former combatants; repatriation of refugees; delivery of humanitarian aid; protection of civilian staff; human rights monitoring; building sustainable government institutions; and promoting political participation.[16] The undertaking of these new functions, added a new dimension to UN peace operations: peace-building, i.e., taking of actions to "identify and support structures which will tend to strengthen and solidify peace" in the aftermath of conflict.[17] The post-1988 UN peacekeeping missions, in other words, aimed to create the necessary governmental and societal structures to institutionalise long-lasting peace through eradicating the structural causes of conflict seen lying in the weakness or absence of democratic government.[18]

The transformation of UN peacekeeping operations is explained in the literature as an outcome of the combination of three inter-related factors: (1) changing nature of conflicts; (2) contextual changes in the international system; and (3) changing norms in the post-Cold War era.

The development of multi-dimensional peacekeeping operations as a means to promote international peace and security is located within the context of changing characteristics of conflicts in the post-Cold War era. Some academics described the post-Cold War conflicts as "complex political emergencies"[19] or "new wars".[20]

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[16] Berdal, 1993; Durch, 1993; Ratner, 1995; Boutros-Ghali, 1992.
[17] Boutros-Ghali, 1992, para. 21.
[18] Boutros-Ghali, 1992, 1995, 1996; Kofi Annan, "Report of the Secretary-General on the Work of the Organisation", General Assembly Official Records, No. A/51/4, (31 August 1999), United Nations, "Security Council Addresses Comprehensive Approach to Peace-Building in Presidential Statement", Security Council 4278th Meeting, SC/7014, (21 February 2001a).
[19] Jonathan Goodhand and David Hulme, "From Wars to Complex Political Emergencies", *Third World Quarterly*, 20:1 (March 1999), pp. 13-26.
[20] Kaldor, 1999; Helman and Ratner, 1992-3; Kaplan, 1994.

Referring to intra-state conflicts or wars taking place within the context of the "disintegration" or "collapse" of states, the "new wars" are described in terms of a blurring of the distinction between war, organised crime and large scale violations of human rights.[21] Due to their spill-over effects, they are considered as the most serious threat to regional and international peace and security. The outbreak of a number of this kind of wars, in which the distinction between combatants and non-combatants and between international and domestic disappears, created a rising demand for new conflict resolution techniques, leading to the formulation of multidimensional peacekeeping operations. The changing nature of conflict characterised by the collapse of government structures, massive human rights violations and refugee flows, in other words, required not only the deployment of international military personnel but also civilian, non-governmental and private agents such as police officers and legal experts, electoral observers, human rights monitors, humanitarian workers and communications experts.[22] The military component of the mission, tasked with restoring security, law and order and disarming warring parties, is expected to create the necessary conditions for civilian staff members to deliver humanitarian aid and undertake a comprehensive political, economic and social reconstruction process.[23] This reflected the convergence of the international development and security agendas in the post-Cold War era: that is, development resources must be used to change societies and the behaviour and attitudes of people in relation to violent conflict in order to reduce the likelihood of conflict in the future but development is impossible without attaining security and stability in the first place.[24]

The following excerpts from *An Agenda for Peace*, prepared by former UN Secretary-General Boutros Boutros-Ghali in 1992 to reform the UN with a view to strengthening its capacity to safeguard international peace and stability, highlight these changing perceptions of peace, security, threat, conflict, and conflict resolution in a rapidly globalising world in the post-Cold War era:

[21] Kaldor, 1999, p. 2.
[22] Boutros-Ghali, 1992.
[23] Duffield, 2001, p. 58.
[24] Ibid., pp. 15-16; 35-43.

> We have entered a time of global transition marked by uniquely contradictory trends. Regional and continental associations of States are evolving ways to deepen cooperation and ease some of the contentious characteristics of sovereign and nationalistic rivalries. National boundaries are blurred by advanced communications and global commerce, and by the decisions of States to yield some sovereign prerogatives to larger, common political associations. At the same time, however, fierce new assertions of nationalism and sovereignty spring up, and the cohesion of States is threatened by brutal ethnic, religious, social, cultural or linguistic strife. Social peace is challenged on the one hand by new assertions of discrimination and exclusion and, on the other, by acts of terrorism seeking to undermine evolution and change through democratic means…As racism becomes recognised for the destructive force it is and as apartheid is being dismantled, new racial tensions are rising and finding expression in violence. Technological advances are altering the nature and the expectation of life all over the globe. The revolution in communications has united the world in awareness, in aspiration and in greater solidarity against injustice. But progress also brings new risks for stability: ecological damage, disruption of family and community life, greater intrusion into the lives and rights of individuals. This new dimension of insecurity must not be allowed to obscure the continuing and devastating problems of unchecked population growth, crushing debt burdens, barriers to trade, drugs and the growing disparity between rich and poor. Poverty, disease, famine, oppression and despair abound…These are both sources and consequences of conflict that require the ceaseless attention and the highest priority in the efforts of the United Nations…So at this moment of renewed opportunity, the efforts of the Organisation to build peace, stability and security must encompass matters beyond military threats in order to break the fetters of strife and warfare that have characterized the past.

However, given the already changing profile of wars since the end of the Second World War, the past occurrences of 'state failure' and the UN's intervention in the Congo DR following the collapse of formal governmental structures, it is difficult to argue that it is simply the changing nature of conflicts or the outbreak of "new wars" in the post-Cold War era that led the UN to deploy complex peace operations and get involved in democratic peace-building. Holsti, for example, estimates that more than two-thirds of all armed conflicts, i.e., 77% of 164 wars, fought during the period between 1945 and 1995 were internal.[25] These wars had devastating effects for civilian populations. According to one estimate, up to three million African civilians died in intra-state wars in the 1980s and, according to another, between one-half and 1.7 million Africans died as a result of repressive and violent government policies during this period.[26] In the same way, given the earlier instances of governmental and societal breakdown such as in the Congo DR (1960-1), Uganda in (1979-81), Ghana (1979-80), Chad (1980-82)[27] and Lebanon in

[25] Holsti, pp. 21-22.
[26] Ibid., p. 37.
[27] Zartman, 1995, pp. 2-3.

1975,[28] it is difficult to suggest that 'state failure' associated with violent internal conflict is "a disturbing new phenomenon"[29] that has emerged in the post-Cold War era. Given the deployment of UN peacekeepers to restore law and security in the Congo DR in 1960, it is difficult to argue that intervention conducted to provide emergency relief, provide educational and medial services and build collapsed government structures is a new phenomenon for the UN in the post-Cold War era.

It is therefore not the changing nature of conflict but rather the changing meaning and content of intervention that was affected by global contextual and normative shifts. Thus, it would be fair to argue that what has changed in the post-Cold War era is rather the international community's approach to conflict than the form of conflict itself, which was already changing since the end of the Second World War. A long-serving UN diplomat describes this change in the following way:

> In many ways, it is intervention itself that should be seen as the new defining element in the post-bipolar world, rather than conflict, which of course existed throughout the previous era, whether in the form of wars by proxy or in resistance to superpower hegemony. Thus, recent years have witnessed a kind of double lifting of inhibitions that had been largely suppressed by the Cold War's rules of the game: the inhibition to wage war and the inhibition to intervene.[30]

Those who emphasise the impact of contextual changes in the literature on the transformation of UN peacekeeping operations cite a list of factors that enabled the UN to address conflict, including intra-state wars, in a more efficient way: (1) lessening of Soviet-American tension in the second half of the 1980s and the subsequent collapse of the bipolar world system; (2) disappearance of superpower support for proxy wars and conclusion of many internal conflicts such as Namibia, Angola, Mozambique and El Salvador; (3) decline in the use of veto powers by the permanent members of the Security Council; (4) rising sense of optimism and confidence in the UN's capacity to address conflict in the absence of superpower rivalry; and (5) increasing willingness of UN member states to participate in peacekeeping operations.[31]

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[28] Holsti, 1996, p. 120.
[29] Helman and Ratner, 1992-3, p. 3.
[30] Antonio Donini, *The Policies of Mercy: Afghanistan, Mozambique, and Rwanda*, Occasional Paper No. 22, (Providence: Thomas J. Watson Jr. Institute for International Studies, 1996), p. 7, cited in Duffield, 2001, p. 31.
[31] Durch, 1993; Ratner, 1995; Berdal, 1993; Paris, 2004.

The third factor that is cited in the literature to explain the operational and functional evolution of UN peacekeeping is the shift in international norms and values.[32] As noted in Chapter 2, the principles of sovereignty and non-intervention were argued to have diminished as a result of globalisation and the outbreak of a number of intra-state conflict in the post-Cold War international system. In *An Agenda for Peace*, Boutros Boutros-Ghali, for example, suggested that "[t]he time of absolute and exclusive sovereignty…passed" and states are now required to "find a balance between the needs of good internal governance and the requirements of an ever more interdependent world". [33] That is, domestic characteristics of states and their ability to control their territory and provide good governance to their citizens are relevant to international security and order.[34] This suggests that if a state fails to control and administer its territory, then the UN has the right to intervene to address humanitarian and security needs of local populations, restore the state capacity along democratic principles, and sustain a secure regional and international system. This line of thinking, as noted earlier, formed the basis of the idea of the international community's "responsibility to protect" that was developed in late-2001.

The UN's engagement in turning war-torn societies into well-functioning democratic polities in the post-Cold War era took a new dimension in Kosovo and East Timor where it was empowered to exercise all legislative, executive and judicial powers in the aftermath of military interventions justified on humanitarian grounds. Representing an expansion of complexity of peacekeeping operations in the post-Cold War era,[35] the UN's engagement in Kosovo and East Timor aimed to establish

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[32] Esref Aksu, *The United Nations, Intra-State Peacekeeping and Normative Change*, (Manchester, New York: Manchester University Press, 2003); Michael N. Barnett, "The New UN Politics of Peace: From Juridical Sovereignty to Empirical Sovereignty", *Global Governance*, 1:1 (Winter 1995), pp. 79-97; Paris, 2004.

[33] Boutros-Ghali, 1992, para. 17.

[34] Barnett, 1995.

[35] Joel C. Beauvais, "Benevolent Despotism: A Critique of U.N. State-Building in East Timor", *International Law and Politics*, 33:1101 (December 2001), pp. 1101-1178; Jarat Chopra, "The UN's Kingdom in East Timor", *Survival*, 42:3 (Autumn 2000), pp. 27-39; Boris Kondoch, "The United Nations Administration of East Timor", *Journal of Conflict and Security Law*, 6:2 (2001), pp. 245-265; Michael J. Matheson, "United Nations Governance of Postconflict Societies", *American Journal of International Law*, 95:76 (2001), pp. 76-85; Panel on United Nations Peace Operations, "Report of the Panel on United Nations Peace Operations" [Brahimi Report], A/55/305-S/2000/809, (21 August 2000), available at http://www.un.org/peace/reports/peace_operations [accessed 27 March 2005]. For a discussion of the UN's engagement in Kosovo and East Timor as "third generation" peacekeeping, see Christine D. Gray, *International Law and the Use of Force*, (Oxford: Oxford University Press,

democratic, self-government institutions with a view to establishing an enduring peace.

3.3. What to Construct in the Post-Armed Conflict Period?

The transformation of conflict-torn societies into peaceful, liberal democratic polities through establishing effective and democratic public institutions from the outside has come to be regarded not only as falling under the international community's "responsibility to protect" societies from "failure" but also an achievable policy. Towards this aim, considerable financial, political and military resources have been channelled by various international agencies and individual countries into laying the administrative and institutional basis of long-lasting democratic peace in conflict-ridden societies in the post-Cold War period.[36]

2001).

[36] The United Nations Development Programme, for example, spent US$ 1.4 billion, corresponding to 46% of UNDP's global technical assistance expenditures, on projects aiming to support democratic governance in 133 countries in 2005. For further information, see UNDP, *Democratic Governance Group: Annual Report 2005*, available at http://www.undp.org/governance/docs/Overview_DGGReport2005.pdf [accessed 25 August 2006]. The European Union (EU), which included having well-functioning, stable political structures and institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minority rights in the membership criteria, known as the Copenhagen political criteria adopted in 1993, and which integrated democratisation and human rights into all aspects of EU's external relations policy through several legislative acts adopted and concludes thereafter, made available funds amounting to over EUR 11 billion for improving human rights, facilitating judicial reform and strengthening democratic governance by supporting government institutions and civil society in eastern and south-eastern Europe, central Asia, Africa, the Mediterranean and Middle-Eastern regions over the period between 2000 and 2006. This figure is compiled from the data demonstrating the EU commitments to democratic development under geographical programmes provided until December 2006, which can be found at http://ec.europa.eu/world/enp/funding_en.htm [accessed 14 April 2007]. The EU committed a total of EUR 11.181 billion for democratic development assistance under its European Neighbourhood Policy for the period 2007 - 2013. See, "Council Approves Financing Instrument to Provide More Than EUR 11 billion for European Neighbourhood Policy", *14087/06 (Presse 292)*, (Luxembourg: 17 October 2006), available at http://register.consilium.europa.eu/pdf/en/06/st14/st14087.en06.pdf [accessed 14 April 2007]. A breakdown of funds to be made available to the beneficiary countries can be seen at http://ec.europa.eu/world/enp/pdf/country/0703_enpi_figures_en.pdf [accessed 1 June 2007]. Pursuing the similar objectives, the United States Agency for International Development (USAID) allocated a total of over USD 5.5 billion for the implementation of democratic development programmes in different parts of the world from Latin America, Eurasia, Africa, Asia and Europe to the Caribbean, Middle Eastern and Mediterranean regions during the period 1990-2004. For further information, see Steven E. Finkel *et al.*, *Effects of U.S. Foreign Assistance on Democracy Building: Results of a Cross-National Quantitative Study*, (12 January 2006), available at http://www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/impact_of_democracy_assistance.pdf [accessed 1 June 2007]. In 2004, USAID committed a total of USD 1.2 billion for democracy assistance to promote free political competition, rule of law, accountable governance and

This growing, albeit selective, commitment of the international community to promoting democratic governance in conflict-affected societies in the post-Cold War era aims to "develop institutions, behaviour patterns, and a political culture that contain the exercise of power within the limits established by representative institutions and the rule of law".[37] Democratic governance based on political representation and participation through competitive elections, and protection and guaranteeing of individual rights and freedoms through constitutional checks and balances, in this context, is believed to minimise the likelihood of violent conflict. The rationale behind this optimism is that democratic government structures will encourage political groups and individuals contest for power on the basis of accountability and rule of law, mobilise public opinion into the political system in a peaceful way and resolve their differences through using conflict-mediation mechanisms.[38]

Divided along ethnic, religious, cultural, linguistic, geographical, ideological

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citizen participation. For further information, see USAID, *Democracy Rising: Grassroot Revolutions, Elections and Beyond, Building Freedom*, Washington, DC: September 2005, available at http://www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/democracy_rising.pdf [accessed 15 May 2006]. It is worth noting that established in July 2005 to complement the UN's engagement in democracy promotion, which includes *inter alia* organising and monitoring elections, developing civil society agencies, providing civic education, and strengthening the capacity of the legislative, executive and judicial branches of government in societies traumatised and divided by violent conflicts, the United Nations Democracy Fund (UNDEF), as of May 2007, received a total of over US$ 60 million from donor countries, to finance democratisation projects for building and consolidating democratic institutions and facilitating democratic processes. For further information, visit http://www.un.org/democracyfund/ [accessed 18 June 2007].

[37] Krishna Kumar, "After the Elections: Consequences for Democratization", Krishna Kumar (ed.), *Postconflict Elections, Democratization and International Assistance*, (Boulder, Colorado: Lynee Rienner Publishers, 1998), p. 215.

[38] See for example, United States Agency for International Development, *Fragile States Strategy*, (2005), available at http://www.usaid.gov/policy/2005_fragile_states_strategy.pdf [accessed 28 July 2006]. For a discussion of the UN's and other international agencies' engagement in promoting good governance through creating effective, responsive and efficient government structures and developing human resources, see Merilee S. Grindle, "The Good Government Imperative: Human Resources, Organisations and Institutions", Merilee S. Grindle (ed.), *Getting Good Government: Capacity Building in the Public Sectors of Developing Countries*, (Cambridge, MA: Harvard Institute for International Development, distributed by Harvard University Press, 1997). For a discussion of the relationship between democracy and intra-state violence, Rudolph J. Rummel, "Democracy, Power, Genocide, and Mass Murder", *Journal of Conflict Resolution*, 39:1 (March 1995), pp. 3-26; Idem, *Death by Government*, (New Brunswick, New Jersey: Transactions Publishers, 1994). For a discussion of management of ethno-political conflicts in democracies, see Ted Robert Gurr, *Peoples Versus States: Minorities at Risk in the New Century*, (Washington DC: United States Institute of Peace Press, 2000). For a discussion of liberal democracy as a solution to conflict and other problems, see Larry Diamond, "Promoting Democracy in the 1990s: Actors and Instruments, Issues and Imperatives", *Report of the Carnegie Commission on Preventing Deadly Violence*, (New York: Carnegie Corporation, 1995).

or other lines, post-conflict societies, however, have the least favourable conditions for undertaking a peaceful process of transition to democratic government. Fragile conditions of public security and peace, persistence of hostilities, social polarisation, fear of violence, and weak or non-existing institutional capacity make it extremely difficult to implant the notion of establishing democratic rule based on public participation, contestation and peaceful resolution of differences. In this respect, statistical evidence suggests that societies with recent experience in violent conflict have a 44% risk of relapsing into violence within five years.[39]

In addition to the legacy of armed conflict, the risk of instability and violence that democratisation itself contains further complicates political restructuring in post-conflict societies. Democratisation, which refers to the transformation of the political system from an authoritarian to a democratic one, is a political as well as a social process. Rustow, for example, analyses democratisation as a three-stage process consisting of the preparation, decision and consolidation phases.[40] The first stage of democratisation, "preparatory phase" is characterised by a "prolonged and inconclusive political struggle" between political elites and social groups to agree on some common attitudes on the characteristics of the political community they are part of.[41] In this context, Rustow notes that rather than simply copying the constitutional or parliamentary practices of other democratic countries, transitional societies should devise their own effective procedures and tools for democratic government and conflict resolution in accordance with their characteristics and needs.[42] This stage is followed by the "decision phase" when political actors "institutionalise" a set of democratic procedures and practices, representing their acceptance of and commitment to promoting the notion of "diversity in unity".[43] The last stage, which he calls "habituation stage", is characterised by three factors: 1) politicians and citizens place faith in democratic principles and practices and apply them to address issues; 2) new political actors join the political arena; and 3) the

[39] Paul Collier *et al.,* "Breaking the Conflict Trap: Civil War and Development Policy," *World Bank Policy Research Report*, (Washington DC: World Bank and Oxford University Press, 2003), p. 83.
[40] Rustow, 1971, p. 345.
[41] Ibid., p. 352.
[42] Ibid., p. 354.
[43] Ibid., p. 355.

population at large is linked to democratic structures through political parties.[44]

In a similar fashion, O'Donnell and Schmitter, and Linz and Stepan, who base their theoretical approach to democratic transition on the political experience of Latin American and Southern European societies in the 1970s and 80s, offer a similar three-phased model to explore the aspects of transition to democracy. According to their model, democratisation starts with political liberalisation, i.e., the opening up of the political landscape through adopting and implementing a set of policies geared to safeguarding individual and collective rights and liberties.[45] It proceeds with the transition to a relatively democratic system following the holding of the first multi-party elections and is completed when democratic norms and principles have become socially internalised and accepted by all relevant political actors as the only legitimate framework to seek political power and resolve disputes.[46] Democracy, which denotes the projected end-point of this process, can therefore be seen as a political system characterised by the restriction of powers exercised by rulers with a view to protecting social and political liberties, and the peaceful change of government by the ruled.[47]. It can be analysed, as Robert Dahl suggests, by the degree to which it allows the inclusion and contestation of its citizens in the political process and its responsiveness to the preferences of the citizens.[48]

Although these theoretical models offered by O'Donnell and Schmitter, and Linz and Stepan on the basis of the Latin American and Southern European experience in the 1970s and 80s do not represent the process of the international community-led democratic transformation in Kosovo and East Timor, their conceptualisation of democratisation may provide a useful analytical framework to explore the aspects of democratic transition characterised by uncertainty and understand the role of political elites involved in the process in these two transitional societies in the post-1999 period. As O'Donnell and Schmitter point out, the characteristic of the transition, which refers to an "interval between one political

[44] Ibid., p. 360.
[45] Linz and Stepan, 1996b, p. 3; O'Donnell and Schmitter, 1986, p. 7.
[46] Linz and Stepan, 1996b, 3-5; O'Donnell and Schmitter, 1986, pp. 7-11.
[47] Popper, 1966, pp. 124-127.
[48] Dahl, 1971.

regime and another", is uncertainty.[49] It may involve interruptions, result in state disintegration or reversals to authoritarian regimes, or evolve into "ambiguous systems that combine rhetorical acceptance of liberal democracy, the existence of some formal democratic institutions and respect for a limited sphere of civil and political liberties"[50] The uncertainty over the direction of democratic transition arises from the very nature of the process itself. Democracy, which is about exercising the right of the citizens to "formulate" and "signify" their preferences,[51] entails the redistribution of political power and interests, creating winners and losers. Fuelling political and social competition, this situation is likely to create incentives and opportunities for conflict because it is almost impossible to set some objective rules of engagement that all relevant political actors involved in the process would observe.[52] Instead, feeling threatened by the changing political circumstances, political elites usually end up in a fierce struggle to satisfy their immediate interests and/or interests of those whom they claim to represent while attempting to define their own rules and procedures with a view to determining likely winners and losers in the future.[53]

The expansion of mass political participation and contestation for power in an increasingly competitive environment during the early stages of democratisation may prompt political elites to appeal to ethno-nationalist or other particularistic allegiances and identities to attract popular support.[54] The weakness of institutions allows them to campaign on ethno-nationalist ideas and propagate a sense of threat coming from a neighbouring nation, an ethnic minority or some other groups within the society.[55] This, in turn, increases the risk of violent conflict in democratising countries. Studies of democratic transition, in this context, suggest that the states undergoing a rapid change from authoritarian to democratic regimes are more likely to get involved in inter-state wars and have a greater propensity for civil strife than

[49] O'Donnell and Schmitter, 1986, p. 6.
[50] Marina Ottaway, *Democracy Challenged: The Rise of Semi-Authoritarianism*, (Washington DC: Carnegie Endowment for International Peace, 2003), p. 3.
[51] Dahl, 1971, p. 2.
[52] O'Donnell and Schmitter, 1986, p. 6.
[53] Ibid.
[54] Mansfield and Snyder, 1995a, 1995b, 2002; Snyder, 2000.
[55] Snyder, 2000.

stable democracies and autocracies.[56] This situation tends to imply that democratising post-conflict societies are doubly vulnerable to violence.

As discussed in Chapter 1, democracy requires an effective state system and consensus on national identity: the presence of a sense of national unity[57] and competent and impartial institutional and bureaucratic structures with the capacity to protect and guarantee the rights of citizens and execute the rule of law throughout the entire territory.[58] This is not to discount the relevance of other factors such as economic and social development to political stability and successful democratisation.[59] Certainly, there are a considerable number of countries with high levels of social and economic development that are also stable democracies. This, as Rustow rightly points out, may suggest a correlation between democracy and economic development but not necessarily a causal relationship between the two.[60] It is in fact impossible to apply a blanket rule that explains the relative standing of every country in the world. There will always be exceptions in the form of countries with high levels of economic and/or social development but no practice of democracy. Cuba, Singapore, and the oil-rich Gulf states such as Qatar, Bahrain and Saudi Arabia exemplify this group of countries. There is another group of countries such as the Democratic Republic of Congo, Nigeria, Sudan, Angola, Equatorial Guinea and Chad which extract wealth from rich natural resources but are facing the problems of democracy deficit, political instability, government ineffectiveness, corruption and ethnic conflict. On the other hand, there are some other countries such as India, Botswana, Mauritius, Namibia and Costa Rica, which, despite their low level of income, opted for democracy and have successfully sustained democratic rule while performing economic development. Given these examples, the

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[56] Mansfield and Snyder, 1995a, 1995b, 2002; Snyder, 2000; Orentlicher, 1998; Havard Hegre *et al*., "Toward a Democratic Civil Peace? Political Change and Civil War, 1816–1992", *American Political Science Review*, 95:1, (March 2001), pp. 33-48.

[57] Rustow, 1970.

[58] Dahl, 1971, p. 3; Mansfield and Snyder, 1995a, 1995b, 2002; Idem, *Electing to Fight: Why Emerging Democracies Go to War* (Cambridge: MIT Press, 2005); Linz and Stepan, 1992, 1996b; Francis Fukuyama, 2004; Idem, "'Stateness' First", *Journal of Democracy*, 16:1 (January 2005), pp. 84-8.

[59] See, for example, Seymour Martin Lipset, "Some Social Requisites of Democracy: Economic Development and Political Legitimacy," *American Political Science Review*, 53 (March 1959), pp. 69-105; Adam Przeworski *et al*., "What Makes Democracies Endure?" *Journal of Democracy*, 7:1 (January 1996), pp. 39-55; Dahl, 1971.

[60] Rustow, 1970, pp. 342-343.

achievement of a certain level of economic and/or social development is not necessarily a precondition for the implementation of democracy. That is, it seems premature to assume that poor or low-income societies such as Kosovo and Timor-Leste cannot hope to succeed in democratisation without first attaining a certain level of economic and/ or social development.

Democratisation of conflict-affected societies, as suggested throughout this thesis, requires the tackling of the questions of "nationness" and "stateness" in the post-armed conflict reconstruction period. As discussed in Chapter 2, the former, which denotes creating a sense of "imagined community", can be addressed through undertaking a reconciliation process, promoting social communication and forging an inclusive collective identity. The latter involves creating an effective system with institutional structures which are capable of endorsing a legal and political system to protect and guarantee the individual and collective rights and freedoms, and executing the rule of law throughout the territory.[61] International involvement in state-building in conflict-torn societies aims to establish the state capacity to provide security, the rule of law, and economic and social development.[62]

The definition of the state has undergone significant changes since it was classically elaborated by Max Weber as "a human community that (successfully) claims the *monopoly of the legitimate use of physical force* within a given territory".[63] Chris Morris, for examples describes the state as a form of political organisation that exercises sovereign authority over its realm, claims a monopoly on the use of legitimate force as well as independence from other states, and generates the loyalty of the permanent inhabitants of its territory.[64] Zartman defines the state in terms of its capacity to fulfil a set of "basic functions": 1) exercising sovereign authority and effective governmental capacity; 2) serving as the "accepted source of identity"; 3) making and implementing binding decisions; and 4) providing security for the population.[65] Margaret Levi defines the state as a "complex apparatus of

[61] O'Donnell, 1999, pp. 135-7.
[62] Fukuyama, 2004; Chesterman, 2005.
[63] H.H. Gerth and C. Wright Mills, *From Max Weber: Essays in Sociology*, (London: Routledge, 1991), p. 78.
[64] Christopher W. Morris, *An Essay on the Modern State*, (Cambridge, New York: Cambridge University Press, 1998), p. 45-6.
[65] Zartman, 1995a, p. 5.

centralised and institutionalised power that concentrates violence, establishes property rights, and regulates society within a given territory while being recognised as a state by international forums".[66] The state, in other words, as Barry Buzan suggests, encompasses three inter-connected components,: 1) a physical base: a population and its associated territory; 2) institutional capacity: presence of institutions of law and government with the capacity to control the physical base and 3) the "idea of the state": widespread and deeply-rooted "idea of the state" which establishes its authority in the minds of its people who perceive themselves as members of a unified political and cultural community.[67] 'State strength / weakness", in this context, is determined not only by its capacity to exercise territorial authority and control, maintain a monopoly over the legitimate use of force and provide security[68] but also by the degree to which individuals and groups in a given territory identify themselves with the state and its institutions and enjoy intra-societal tolerance and solidarity.[69] What distinguishes 'weak' states from 'strong' states, according to Buzan, is "their high level of concern with domestically-generated threats to the security of the government".[70] 'Weak' states, in other words, "either do not have, or have failed to create, a domestic political and social consensus of sufficient strength to eliminate the large-scale use of force as a major and continuing element in the domestic political life of the nation".[71]

Based on the above definitions, the state can be conceived as a political organisation made up of institutions with the capacity to exercise sovereign authority over a territory and population within this territory and provide the security and other needs of the population. The aspects of building a functioning state system in conflict-torn societies, in this context, can be outlined in the following way:

1. Security-building
2. Institution-building

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[66] Margaret Levi, "The State of the Study of the State", Ira Katznelson and Helen V Milner (eds.), *Political Science: The State of Discipline* (W.W. Norton and Co., 2002).
[67] Barry Buzan, *People, States, and Fear: An Agenda for International Security Studies in the post-Cold War Era*, second edition, (Boulder, CO: L. Rienner, 1991), pp. 39-40.
[68] Mohammed Ayoob, *The Third World Security Predicament: State Making, Regional Conflict and the International System*, (Boulder, Colorado: Lynne Rienner, 2001), p. 4; Buzan, 1991, pp. 53-60.
[69] Buzan, 1991, pp. 66-69; Holsti, 1996, pp. 82-97.
[70] Buzan, 1991, p. 67.
[71] Ibid.

3. Capacity-building

Security, which can be defined as the "pursuit of freedom from threat and the ability of states and societies to maintain their identity and their functional integrity against forces of change which they see as hostile", is a multi-dimensional concept.[72] It is not only about the offensive and defensive capabilities of the state (military security), but is also related to organisational and governmental stability (political security), access to the resources and financial markets necessary to sustain acceptable levels of welfare and state power (economic security), the ability of societies to maintain their identity and culture (societal security), and the capacity of states to protect local and global environment (environmental security).[73] As a multi-dimensional phenomenon, security is not only about the political, economic and other capabilities of states but is also about the protection of individuals and social groups. It entails not only the absence of war and the threat of war but also the "emancipation" of individuals and social groups from political oppression, poor education and other socio-economic constraints.[74]

This multi-dimensional conceptualisation of security by Buzan and Booth provides a useful framework to analyse the international community's engagement in security-building in post-conflict societies. The provision of security in post-conflict societies requires the creation of an environment in which local populations and international staff members can enjoy physical, political, social, economic and other aspects of safety. Providing and maintaining public security is the necessary prerequisite to implement a peace process and achieve successful outcomes in administrative, institutional and civilian tasks that the UN and other international agents are mandated. The capacity to enforce security also affects the credibility of the UN and other international agents in the eyes of the local population. It may help to generate a sense of public trust in transitional government structures seen capable of responding to basic human needs. It has also implications for the disbursement of financial aid pledged by international donors.[75] Security-building in the immediate

[72] Barry Buzan, "New Patterns of Global Security in the Twenty-First Century", *International Affairs*, 67:3, (July 1991), pp. 432.
[73] Ibid., p. 433, 439-451.
[74] Ken Booth, "Security and Emancipation", *Review of International Studies*, 17:4, (1991), p. 319.
[75] During the transitional administration of Cambodia by the UN (1992-3) for example, continued

post-conflict period involves (1) the demobilisation and disarmament of former combatants and their integration into civilian life, (2) repatriation of refugees and displaced people, and (3) reforming the security sector.

Demilitarisation is a *sine qua non* condition not only to revive civil society, reduce poverty and likelihood of conflict recurrence and achieve sustainable development in societies emerging from violent conflicts[76] but also to generate the feeling of security by individuals. Disarming former belligerents and reintegrating them into civilian life involve the collection and destruction of weapons, cantonment and relocation of armed groups, provision of food, housing material and payments assistance, creating incentives, and offering information and counselling services, employment opportunities and vocational training programmes that will enable former combatants to have new skills and a sustainable source of income and prevent their involvement in banditry or other illegal activities and violence.[77] As noted earlier, security has also economic and social dimensions. A complete and successful disarmament and reintegration process, which is highly dependent on the capacity to meet the security concerns of parties involved in the conflict,[78] helps to eradicate the alternative sources of violence e.g., militias, guerrillas and warlords.

Providing a secure environment is a requirement for facilitating the return and repatriation of refugees and displaced persons, which, in return, affects the sustainability of the newly-developed institutions and inter-group relations. This requires a full commitment and ability by international and local security agents to enforce rules and regulations for the security of all especially the most vulnerable groups. By enhancing the feeling of individual and collective security, such a capacity may encourage the participation of competing groups in the community

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cease-fire violations and incomplete demobilisation of former belligerents were often cited by the international donors as the main reason for the delays in disbursing the financial assistance promised in the Tokyo Conference of 20-22 June 1992. As of March 1993, only $100 million of the $880 million pledged at the Tokyo Conference was released. United Nations, "Fourth Progress Report of the Secretary-General on the United Nations Transitional Authority in Cambodia", Security Council Document, S/25719, (3 May 1993), para. 95.

[76] Nat J. Colletta, Markus Kostner and Ingo Wiederhofer, "Disarmament, Demobilisation, and Reintegration", Robert I. Rotberg (ed.), *When States Fail: Causes and Consequences*, (Princeton, NJ: Princeton University Press, 2004), p. 170; Brahimi Report, pp. 7-8.

[77] Colletta, Kostner and Wiederhofer, "Disarmament", 2004, pp. 170-177.

[78] J. Bayo Adekanye, "Review Essay: Arms and Reconstruction in Post-Conflict Societies", *Journal of Peace Research*, 34:3 (August 1997), p. 362.

reconciliation and political institutionalisation processes. It may also contribute to implanting the notion of the rule of law, which is often emphasised by international state-builders as one of the fundamental values of successful statehood and good governance, and attracting the population's confidence in the international community-driven policies, initiatives and institutional structures.

The third component of the international community-led security-building efforts in the post-armed conflict period is the development of the new police and armed forces and the incorporation of old security agents into the new system, in other words, the security sector reform.[79] The creation of the security apparatus with the capacity to monopolise the use of legitimate force and operating in a manner consistent with democratic norms and principles of good governance, including the rule of law, accountability and transparency,[80] is crucial to generate the "idea of the state" needed to transform conflict-ridden societies and reduce the risk of violent conflict through controlling potential sources of conflict. The provision of stability by competent and legitimate security forces in societies emerging from violent conflict, in other words, is one of the most important issues to maximise the benefit from international development programmes.[81]

Institution-building, which refers to the "planning, structuring, and guidance of new or reconstituted organisations which…embody changes in values, functions, physical and/or social technologies…[and which] establish, foster, and protect new normative relationships and action patterns",[82] constitutes the second dimension of the externally-led state-building process in societies recovering from violence. The

[79] The security sector encompasses not only armed forces and the police but also civil authorities responsible for oversight and control (e.g. parliament, the executive, and the defence ministry), the gendarmerie, customs officials, judicial and penal institutions, intelligence services, civil society, including human rights organisations and the press. Organisation for Economic Development and Cooperation (OCED), "Security System Reform and Governance", Development Assistance Committee (DAC) Guidelines and References Series, (2005), p. 3, available at http://www.oecd.org/dataoecd/8/39/31785288.pdf [accessed 26 August 2006]. While acknowledging the multi-dimensional characteristic of the security sector, throughout this thesis, only the creation of armed forces and the police in Kosovo and East Timor will be treated within the scope of the security sector reform while the construction of the elected and appointed civil authorities including the legislature, judiciary and executive will be discussed under political institutionalisation.

[80] Ibid.

[81] Neil Cooper and Michael Pugh, *Security Sector Transformation in Post-Conflict Societies*, (London: Centre for Defence Studies, 2002), p. 5.

[82] Joseph W. Eaton (ed.), *Institution Building and Development: From Concepts to Application*, (Beverly Hills: Sage Publications, 1972), p. 22.

construction of effective and legitimate political institutions, which exercise a monopoly on the legitimate use of force and put some limitations on the use of authority and power by the state at the same time, is seen as key to preventing the recurrence of violent conflicts, stemming from weak and incapable government institutions.[83] Political re-structuring through institution-building, in this context, encompasses the construction of new public institutions and administrative structures as well as the incorporation of the existing, 'traditional' institutional structures into the new system introduced.[84] Aiming to secure the population's confidence in and allegiance to the state rather than the existing local, regional, ethnic or cultural groups or personalities, institution-building during the transitional period involves establishing effective legislative, executive, judicial and bureaucratic structures, drafting the constitution and designing electoral systems.[85]

The third aspect of the international community-supervised state-building process is capacity-development, which refers to the development of administrative and institutional competence to run the newly-established institutions and meet the basic demands of society. It encompasses efforts, strategies, policies and programmes undertaken to transform the overall system, environment or context within which individuals, organisations and societies operate and interact. This entails supporting and strengthening the capability of institutions to identify problems and challenges, offer solutions to these problems, and implement strategies, plans, and activities to address these challenges and problems in an efficient, effective and sustainable manner.[86] Capacity-development efforts include the

[83] Fukuyama, 2004; Rotberg, 2002a, 2002b, Jens Meierhenrich, "Forming States after Failure", Robert I. Rotberg (ed.), *When States Fail: Causes and Consequences*, (Princeton, NJ: Princeton University Press, 2004), pp. 153-169; Mohammed Ayoob, "State-Making, State-Breaking and State Failure: Explaining the Roots of ' Third World' Insecurity", Luc van de Goor, Kumar Rupesinghe, and Paul Sciarone (eds.), *Between Development and Destruction*, (London and New York: Macmillan Press and St. Martin's Press, 1996), pp. 67-86; Idem, "State Making, State Breaking, and State Failure", Chester A. Croker, Fen Olster Hampson, and Pamela Aall (eds.), *Turbulent Peace, The Challenges of Managing International Conflict*, (Washington: United State Institute of Peace Press), pp. 127-143.
[84] Meierhenrich, 2004, p. 159
[85] Paris, 2004; Chesterman, 2005.
[86] This definition of the term capacity-building derives from United Nations Development Programme (UNDP), "Capacity Assessment and Development: In a Systems and Strategic Management Context", *Technical Advisory Paper No. 3*, (January 1998), p. 5 available via http://mirror.undp.org/magnet/Docs/cap/CAPTECH3.htm [accessed 6 October 2006]; Idem, "Capacity Development", *Technical Advisory Paper 2*, (New York: UNDP, 1997), p. 3, accessible via http://mirror.undp.org/magnet/cdrb/DEFAULT.htm [accessed 6 October 2006].

education and on-the-job training of bureaucrats, formal and informal skills development, organisational structuring, developing a positive-enabling environment and producing policies, plans, legal frameworks and incentives.[87] Assessment of skills and identification of needs, definition and implementation of strategies and approaches, participation of local stakeholders in the process, and monitoring the results of programmes and projects implemented can be cited among the factors that affect the outcome of the capacity-development process.

3.4. How to Construct a Functioning State System?

As discussed in Chapter 2, the general approach at the academic and policy-making level to the issue of 'state failure' associated with violent internal conflict has been characterised by a neglect of the historical context and political, economic and social factors that catalyse governmental and societal collapse. This approach is also underpinned by a tendency to measure the institutional and functional aspects of "stateness" against a set of benchmarks, derived from an idealised type of the state.[88] This, in turn, affected the outcome of the intervention strategies that the international community adopted to address 'state failure' in the post-Cold War era. Developed on the neglect of the interplay of national and trans-national economic and social forces, these reconstruction strategies have either resulted in limited success or in some cases led to unintended and contradictory consequences.[89] In Sudan, for example, international aid agencies, despite their active engagement in the country since the late-1980s, failed to improve the dismal conditions of displaced southern Sudanese living in the north while also diminishing their chances of development, self-sufficiency of autonomy.[90]

Ottaway describes the international community's approach to reconstructing conflict-affected societies, where formal government institutions have disintegrated or become polarised and the society is divided along ethnic or other lines, as an "example of intrusive social engineering": that is, the international community

[87] UNDP, 1997, pp. 3-5.
[88] Milliken and Krause, 2002.
[89] Ibid; Ottaway, 2002b; Duffield, 2001.
[90] Duffield, 2001, pp. 202-256.

prescribes a model for the reconstructed state (democratic nation-state), then builds its main organisational components and hopes that the society in question will accept and maintain the state.[91] The pursuit of this externally-imposed "quick fix" approach[92] demands a "short-cut" transition to the Weberian state.[93] With a view to achieving this rapid transition, international state-builders tend to bypass local authorities and take over the responsibility of providing core government services such as public health, primary education or irrigation.[94] Most of the money provided by the donor community, in this respect, goes to cover high salaries for expatriates who supply core governmental and institutional functions. While governance functions are performed, indigenous capacity does not develop and the societies in question tend to revert to their former situations once the international community withdraws its resources and moves on to another crisis area.[95] The result of capacity-development initiatives, in other words, usually becomes a failure, which Fukuyama calls "capacity destruction" or "capacity sucking out".[96]

The imposition of strict deadlines to achieve a set of predetermined objectives therefore puts a tremendous pressure on post-conflict societies and their political leaders. This, in turn, tends to fuel political instability and intra-societal competition. The simultaneous undertaking of democratisation, which requires public participation and contestation, complicates the task of crafting effective state institutions (state-building) and achieving societal cohesion (nation-building) in post-conflict settings. The establishment of political, economic and social organisations by external actors, in this context, is not an indication of the completion of the institution-building process and the resolution of "stateness" and "nationness" issues. In fact, the organisations and processes introduced by the international community can only turn into strong, competent institutions when they are seen by relevant local populations as capable of providing solutions to their problems such as security and unemployment.[97]

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[91] Ottaway, 2002b, p. 1017.
[92] Doornbos, 2002.
[93] Ottaway, 2002b, p. 1004.
[94] Fukuyama, 2004, pp. 40-41.
[95] Ibid., p. 103.
[96] Ibid., pp. 41-42; 103.
[97] Ottaway, 2002b; p. 1004.

In the light of this information, the following points can be identified as the crucial aspects of international state-building in post-conflict societies:

a) an accurate understanding of specific internal and external dynamics and processes that led to the outbreak of armed conflict and governmental and societal breakdown;[98]

b) abandoning the "best practice" mentality, i.e., setting up a model or blueprint for all societies from one practice that has worked in one part of the world;[99]

c) designing and implementing reconstruction strategies and practices in response to specific demands and urgencies arising in each case;[100]

d) setting "modest" objectives and goals, adopting long-term approaches and providing long-term political and financial commitment;[101]

e) sequencing of tasks i.e., providing peace, security, stability with a view to establishing the institutional and social background of 'stateness';[102]

f) using local knowledge and encouraging local actors to take active roles and responsibilities for producing institutional and administrative solutions in response to local demands and problems.[103]

Developed as a solution to the problem of sovereignty and governance in post-conflict settings, the establishment of international administrations is one of the strategies adopted by the international community to pacify and rebuild conflict-affected territories along democratic lines.[104] Indicating the suspension of

[98] Martin Doornbos, "State Collapse and Fresh Starts: Some Critical Reflections", *Development and Change*, 33: 5 (November 2002), pp. 797-815; Milliken and Krause 2002.
[99] Fukuyama 2004; Doornbos, 2002; Ottaway, 2002b.
[100] Ibid; Duffield, 2001; Ottoway, 2002b.
[101] Ottaway, 2002b, p. 1020
[102] Mansfield and Snyder, 2007; Paris, 2004; Fukuyama 2005.
[103] Doornbos, 2002; Ottaway, 2002; Fukuyama 2004.
[104] Robert Jackson, "International Administration of War-Torn Countries", *Global Governance*, 10 (January-March 2004), pp. 21-36.

sovereignty by an external agent responsible for day-to-day governance functions and development of administrative procedures and structures, the notion of international territorial administration implies the weakness or absence of local capacity to manage their own affairs and initiate, execute and lead such a process. It was first proposed by Helman and Ratner in the early 1990s as a "novel" and "expansive" mechanism to fix or prevent the problem of governmental 'failure / collapse' or to reconstruct societies affected by violent conflicts through developing functioning administrative structures.[105] Reviving the old UN trusteeship system, which Helman and Ratner suggested as a solution for addressing 'state failure', was criticised by some schools on moral as well as legal grounds. Zartman, for example, suggested that proponents of the notion of trusteeship "err in the arrogant presumption that only the West can govern and in the arrogant fallacy that a 190-member bureaucracy that cannot pay for its emergency interventions is suited to exercising or supervising colonial-like rule".[106] In this context, Ruth Gordon argued that the trusteeship system based on the question of "how to bring 'backwards' people to self-government"[107] reflects notions of "cultural superiority" and "rational inequality".[108] This attitude, Gordon emphasises, was dismissed by the international community when the principles of universal democracy, self-determination of peoples and human rights were included in international law to facilitate the process of decolonisation.[109] Therefore, these old, already rejected "racist" approaches "should not be accorded legitimacy" by bringing back trusteeship in the twenty-first century.[110] Despite these criticisms, the UN trusteeship system was implemented in different forms and degrees as a policy prescription for creating conditions for building an effective and democratic state in conflict-torn territories in the post-Cold War era. Exercising varying degrees of control and authority over the territories temporarily administered, transitional administrations were established under the auspices of the UN in Cambodia, eastern Slavonia, Kosovo and East Timor.

Transforming societies emerging from violent internal conflict into

[105] Helman and Ratner, 1992-3; Mazrui, 1994; Pfaff, 1995.
[106] Zartman, 1995b, p. 272.
[107] Gordon, p. 926.
[108] Ibid., p. 927.
[109] Ibid., p. 955.
[110] Ibid., p. 927.

democratic polities through establishing transitional administrations vested with some or all sovereign powers, on the other hand, embodies an inherent contradiction: promoting democratic government principles such as popular participation, accountability, transparency, consultation and the rule of law through centralising legislative, executive and judicial powers in the hands of a non-elected transitional administrator.[111] This contradiction between the end and means, i.e. promoting democratic principles in a non-democratic way, not only creates uncertainty over the prospect of democratic state-building process and represents a democracy deficit and but also has the potential to lead to a crisis of legitimacy due to tension between international state-builders and local-stakeholders.

Legitimacy, which, as noted earlier, entails the presence of a belief shared by individuals in the rightfulness of a rule or appropriateness of an institution whose authority ought to be obeyed not simply out of fear of retribution or a calculation of self-interest but an internal sense of moral obligation,[112] is one of the key but controversial issues in transitional administrations for several reasons. However benign, international territorial administrations are imposed from the outside.[113] Transitional administrations are based on the exercise of a high degree of control by a foreign power over a foreign society. It is difficult to argue that the obtaining of the consent of nominal governments in power for the establishment of transitional administrations reflects the existence of a belief held by local populations in the appropriateness or rightfulness of rule and authority exercised by a non-elected external agent. UN Security Council Resolution 1244 (1999), which authorised the establishment of an international interim administration in Kosovo, and Resolution 1272 (1999) on the establishment of UN transitional administration in East Timor make reference to the acceptance of international transitional / interim administrations by the governments concerned i.e. the Yugoslav (now Serbian) and Indonesian governments rather than the people of Kosovo and East Timor.[114] Two

[111] Chesterman, 2005, p. 127.
[112] Ian Hurd, "Legitimacy and Authority in International Politics", *International Organisation*, 53:2 (Spring 1999), p. 381, 387; Rodney Barker, *Political Legitimacy and the State*, (Oxford: Clarendon Press; New York: Oxford University Press, 1990).
[113] David Harland, "Legitimacy and Effectiveness in International Administration", *Global Governance*, 10:1 (January-March 2004), p. 15.
[114] See the preamble paragraph of UN/Doc. S/RES/1244 (1999) stating that "the general principles on

significant points are worthwhile noting in this respect. Firstly, unlike the UN missions in Angola, Mozambique, Cambodia and Eastern Slavonia, which were established by the UN Security Council as per the relevant peace agreements concluded by the parties involved in conflict, the transitional administration missions in Kosovo and East Timor were imposed by the international community. Resolutions 1244 and 1272, which authorised the establishment of the UN missions in these two conflict-affected territories, were endorsed by the international community without the participation of the representatives of the societies in question. Secondly, the governments of Serbia (then Federal Republic of Yugoslavia) and Indonesia were forced to accept the said Resolutions. The government of Serbia agreed to withdraw from Kosovo at the end of an intensive air campaign conducted by NATO between March and June 1999 and the government of Indonesia forfeited its claims over East Timor under intense international pressure.

It can be suggested that rule by an external power can be seen as legitimate "only if that rule is exercised on behalf of, and for the benefit of, the foreign population".[115] The capacity to generate and keep such a sense of trust on the part of local populations requires the development of consultation mechanisms,[116] institutionalisation of accountability and transparency,[117] and having a good knowledge of and respect for local culture, traditions, political aspirations and social structures.[118] The absence of these conditions, which results in the perception of policies and efforts as externally-imposed actions, undermines the sustainability of the state-building process due to a lack of 'local ownership'.

Creating a sense of local ownership can be facilitated through adopting an inclusive and participatory approach to encourage the articulation and representation of the needs, wishes and views of all local stakeholders in the planning, designing

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a political solution to the Kosovo crisis adopted on 6 May 1999 (S/1999/516, annex 1 to this resolution) and welcoming also the acceptance by the Federal Republic of Yugoslavia of the principles...presented in Belgrade" and that of UN Doc. S/RES/1264 (1999) stating that "the statement by the President of Indonesia on 12 September 1999 in which he expressed the readiness of Indonesia to accept an international peacekeeping force through the United Nations in East Timor".

[115] Robert Caplan, "A New Trusteeship? The International Administration of War-Torn Territories", *Adelphi Paper*, 341 (February 2002), pp. 57-8.

[116] Chesterman, 2005, pp. 143.

[117] Caplan, 2002, p. 58; Chesterman, 2005, p. 145-6.

[118] Chesterman, 2005, p. 257.

and implementation of reconstruction programmes developed as solutions to meet the society's needs. It involves the 'ownership' of ideas, strategies, processes, resources and outcomes by the groups that are affected by the institution-building process.[119] Developing a sense of 'local ownership', in this context, requires the recognition that partial or total collapse of formal government institutions and structures caused by war and the withdrawal of the political authority in power does not necessarily leads to a power vacuum that is filled by international transitional administration.[120] In fact, political life continues and different actors ranging from rebel leaders, clan chiefs, opposition party leaders and dissidents compete for formal authority and power, and alternative informal modes of order and justice, which are often far from Western notions of human rights.[121] Exercising power over the population, these actors may provide education or health services. Therefore, a good understanding of local conditions and power structures, the choice of local interlocutors as the legitimate representative of the population,[122] and the capacity to develop an effective mechanism of cooperation and coordination between international and local actors[123] may facilitate the achievement of 'local ownership'.

This requires clarity and transparency about (1) the nature of relationship between international and local actors, and of the mandate and powers assumed by international actors; (2) projects, policies and efforts undertaken to achieve the mandate; and (3) fundamental legal issues and procedures that contribute to reducing mistrust and building confidence in the institutions created.[124] In addition to these

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[119] This definition of 'local ownership' derives from Annika S. Hansen and Sharon Wiharta, "The Transition to a Just Order – Establishing Local Ownership after Conflict: A Policy Report", *Folke Bernadotte Academy Publications*, (Stockholm: Printgraf, 2007), p. x, available at http://www.folkebernadotteacademy.se/roach/images/pdf/Transition%20to%20a%20Just%20Order%20Policy.pdf [accessed 7 August 2007]; Carlos Lopes and Thomas Theisohn, "Ownership, Leadership and Transformation: Can We Do Better for Capacity Development?", (New York: UNDP), p. 30, accessible via http://www.capacity.undp.org/index.cfm?module=Library&page=Document&DocumentID=5015 [accessed 7 August 2007].

[120] Chesterman, 2005, p. 242-243; Jarat Chopra, "Building State Failure in East Timor", *Development and Change*, 33:5 (November 2002), p. 981.

[121] Hansen and Wiharta, 2007, p. 6; Chesterman, 2005, p. 243.

[122] Sergio de Mello, "How Not to Run a Country: Lessons for the UN from Kosovo and East Timor", unpublished manuscript, (2000) cited in Joel C. Beauvais, "Benevolent Despotism: A Critique of U.N. State-Building in East Timor", *International Law and Politics*, 33:1101 (December 2001), p. 1120.

[123] Mark Baskin, "Between Exit and Engagement: On the Division of Authority in Transitional Administrations", *Global Governance*, 10 (2004), p. 121.

[124] Hansen and Wiharta, 2007, p. 35; Chesterman, 2005, pp. 241-242.

factors, the capacity and willingness of international agencies to develop mechanisms that allow and encourage the inclusion and participation of diverse political and social groups rather than certain political groups affect the achievement of a sense of ownership of the international community-supervised state-building process by local populations.

Devising and implementing an 'exit strategy' based on clearly and realistically set end-states and deadlines is another significant component of state-building efforts that affect the capacity to construct effective and sustainable institutional structures.[125] This, however, requires developing and adopting clear objectives and effective strategies in the first place, as former UN Secretary-General Kofi Annan puts in the following way:[126]

> A good exit strategy results from a good entrance strategy. In this connection, the Security Council is expected to reach agreement on a clear and achievable mandate based on a common understanding of the nature of the conflict. The Secretariat should provide the candid and well-informed analysis that the Security Council's decision on an effective peace strategy will require. The members of the Council are expected to use their influence to ensure from the outset that the necessary means of implementation are available, and it is up to the General Assembly to authorise a timely budget allocation.

The termination and withdrawal of the mission and handover of administrative responsibility to local authorities usually takes place following the completion of the first national elections and the inauguration of a new government. However, war-shattered societies involve the risk of what Roland Paris calls "pathologies" of political and economic liberalisation resulting from their recent history of intense societal conflicts, their lack of a tradition of peaceful dispute settlement and cultural constraints on violent behaviour, and their lack of effective political institutions and lack of a tradition of peaceful dispute settlement.[127] These "pathologies" include (1) the problem of "bad" (illiberal) civil society, (2) the opportunistic behaviour of "ethnic entrepreneurs" who extract popular support in

[125] Caplan, 2002; Chesterman, 2005; Paris, 2004; Baskin,, 2004.
[126] United Nations, "No Exit Without Strategy: Security Council Decision-Making and the Closure or Transition of United Nations Peacekeeping Operations", *Report of the Secretary-General*, S/2001/394, (20 April 2001), p. 8.
[127] Paris, 2004, pp. 168-175. For a discussion of the potential impact of elections on undermining the prospect of democratic development, see also Benjamin Reilly, "Democratic Validation", John Darby and Roger MacGinty (eds.), *Contemporary Peacemaking: Conflict, Violence, and Peace Processes*, (New York: Palgrave Macmillan 2003), pp. 174-183.

deeply-divided societies through inciting inter-communal polarisation and distrust, (3) the risk that elections may serve as catalysts and focal points for destructive societal competition and conflict, (4) the danger posed by local "saboteurs" who may use elections to win power democratically but later seek to undermine democracy to maintain their rule, and (5) the disruptive and conflict-provoking effects of economic liberalisation.[128]

The increased likelihood of conflict during the transition from autocracy to democracy[129] makes the choice and design of electoral system, and timing and sequencing of elections important factors in laying the foundations for a sustainable democratic state.[130] The potential divisive and destabilising effects of elections require designing the rules in such a way that is likely to "promote moderate voices over extremist ones….and…facilitate[s] intra-group as well as inter-group competition".[131] The nature of conflict and the situation of post-conflict environment play a significant role in the choice of electoral models e.g. proportional representation, quotas for ethnic representation, mixed systems and preferential models.

Experience in various post-conflict societies demonstrated that the holding of elections immediately following the end of armed conflict tends to exacerbate divisions and generate violence rather than facilitating a peaceful democratic transformation. The international community's plan for power-sharing followed by elections as a means of resolving Rwanda's civil war and fostering democracy in the country, for example, "served as a catalyst for the genocide by threatening Hutu

[128] Paris, 2004, pp. 159-168.
[129] According to the findings of the State Failure Task Force Report, partial democracies are seven times more likely to face governmental 'failure' than full democracies as well as autocracies. Jack A. Goldstone *et al.*, *State Failure Task Force Report: Phase III Findings*, (McLean, VA: Science Applications International Conference (SAIC), 30 September 2000), p. 29, accessible via http://www.cidcm.umd.edu/publications/publication.asp?pubType=paper&id=9 [accessed 25 April 2005]. Mansfield and Snyder found that democratising states are about two-thirds more likely to get involved in war than states undergoing no regime change. Mansfield and Snyder, 1995a, p. 12, 14. See also, Michael D. Ward and Kristian S. Gleditsch, "Democratising for Peace", *American Political Science Review*, 92:1, (March 1998), pp. 51-61.
[130] Reilly, 2003, pp. 174-9; Idem, "Elections in Post-Conflict Societies", Edward Newman and Roland Rich (eds.), *The UN Role in Promoting Democracy: Between Ideals and Reality*, (Tokyo: United Nations University Press, 2004), pp. 113-134; Chesterman, 2005, pp. 206-221; Paris, 2005, pp. 188-194.
[131] Reilly, 2003, p. 179.

elements with the prospect of losing power"[132] while the 1996 elections in Bosnia-Herzegovina, in which ethnic political parties and generals-turned-politicians competed, served to legitimise the political power of the same nationalist leaders, who were reluctant to implement the Dayton Agreement, and reinforced ethnic divisions.[133] The timing and sequencing of local, regional and national elections are therefore another significant aspect of democratisation in post-conflict societies.

Building the institutional and social foundations for a democratic nation-state in conflict-ridden societies, where power has been exercised by government institutions as an instrument of oppression, is a slow and arduous process. It, above all else, requires the development of the notion that "the state is an important, if not foremost, public good".[134] This includes the construction of transparent and accountable public institutions with the capacity to meet the basic needs of society and the development of a political culture based on the participation of the population in the political process and non-violent settlement of disputes. Not only the political and societal legacy of the armed conflict and the absence of prior experience of democratic tradition but also the incompatibility between the mandate assumed i.e. the construction of public institutions consistent with democratic principles including the rule of law, accountability and transparency, and the means used towards this aim i.e. 'benevolent autocracy' further complicates the process of initiating democratic transformation in post-conflict societies.

In the light of this information, the international community-led state-building process in Kosovo and East Timor will be investigated in the next chapters on the basis of the following framework:

1. Security-building: Demobilisation, disarmament and re-integration of former combatants, repatriation of refugees and internally displaced persons, and creation of the armed and police force.
2. Institution-building: Designing and adoption of governmental and institutional structures.

[132] Paris, 2004, p. 75.
[133] Paris, 2004, p. 101-2; Chesterman, 2005, p. 208.
[134] Meierhenrich, 2004, 154.

3. Capacity-Building: Development of civil administration with necessary skills and competence to produce policies in response to local needs and problems through identifying assets and needs, adopting and implementing strategies and policies and monitoring the results.

As shown in Figure 3.1., the international community's engagement in building an effective state system in Kosovo and East Timor during the post-armed conflict period will be investigated by taking the interaction between state-building and nation-building into account.

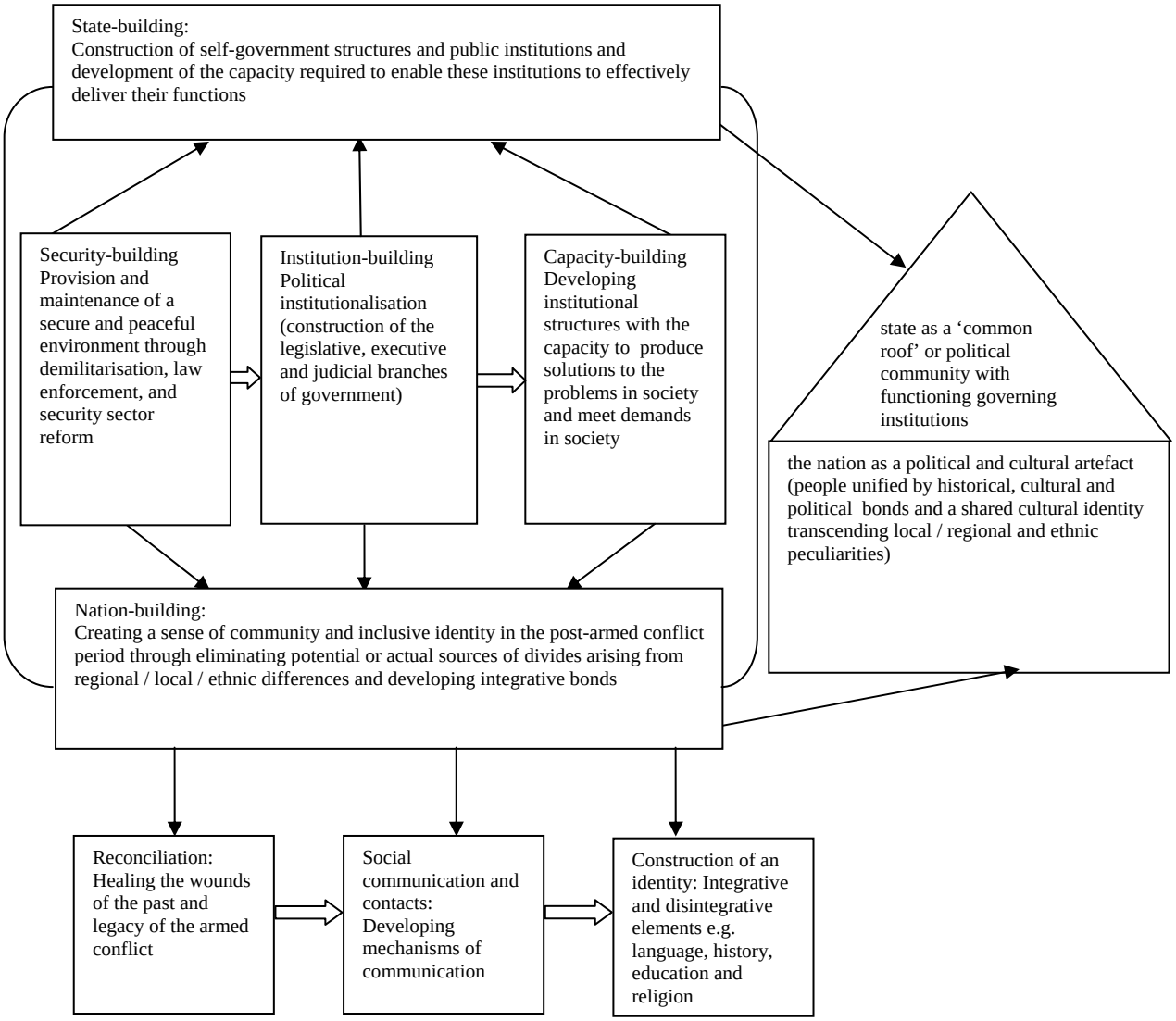

Figure 3.1. Main aspects of the reconstruction of conflict-affected territories during the transitional period.

3.5. Conclusion

Influenced by the growing optimism in the capacity of democracy, transforming territories with recent experiences of armed conflict into peaceful polities through promoting democratic governance has come to be regarded not only as an 'achievable' policy, but also falling under the 'responsibility' of international actors due to the absence of domestic capacity and willingness to initiate such a process. The UN's increasing engagement in turning conflict-devastated societies into peaceful, democratic polities, in this context, culminated in Kosovo and East Timor where it was temporarily vested with sovereign powers to give birth to liberal democratic structures after a period of transitional administration. The UN's complex, multi-dimensional mandate in these two conflict-torn societies included restoring law and order, ensuring demobilisation, disarmament and reintegration of former combatants into civilian life, repatriation of displaced persons, organisation of elections and construction and strengthening of governance institutions based on democratic principles.

Although democracy has come to be regarded as a solution to build sustainable peace, societies emerging from violent internal conflict offer the least favourable conditions to achieve a democratic transition. The legacy of armed conflict, persistence of a climate of polarisation and distrust, political exclusion, competing identities, intolerance, fear of violence and feelings of insecurity are among the challenges to establishing self-sufficient, sustainable forms of democratic government in post-conflict societies. The persistence of these conditions which are not conducive to establishing sustainable democratic rule raises the question of whether or not rapid democratisation from the outside is the right prescription to heal problems in conflict-torn societies.

In the light of this information, the international community's engagement under the umbrella of the UN in Kosovo and East Timor which became a test-case as to whether or not it is possible to transform societies emerging from violent conflicts into democratic polities after a period of transitional / interim administration will be investigated in the following chapters.

Chapter Four
Building the Nation in Timor-Leste

> You, the Timorese people, must stand up against anyone who tries to divide you on regional or ethnic lines. Don't allow anyone, by exploiting minor differences among you, to rob you of the peace, democracy, and freedom from poverty which are your right. Let no one deprive you of your hard-won freedom, of your right to live in security and without fear.
>
> Kofi Annan

4.1. Introduction

The achievement of independence on 20 May 2002, exhorted by Kofi Annan in 2006 to alleviate the destructive and divisive effects of the violent riots,[1] was a long and arduous process for the people of East Timor.[2] Independence came after more than four centuries of Portuguese colonial administration, twenty-four years of Indonesian occupation and two and a half years of UN transitional administration. The East Timorese people paid a considerable price for this autonomy, losing up to an estimated 200,000 people during the Indonesian occupation between 1975 and 1999.[3]

[1] "Secretary-General, in Video Message, Calls on People of Timor-Leste Not to Despair, Stay United on Course Toward Nation-Building," SG/SM/10493, (1 June 2006), http://www.un.org/News/Press/docs/2006/sgsm10493.doc.htm [accessed 4 July 2006].

[2] The eastern half of the island of Timor, the islands of Atauro lying to the northern coast and Jaco to the northeast and the enclave of Oecussi in the western part of the island constitute the territory of today's Timor Leste. The official name of the territory, formerly known as East Timor, was changed to the Democratic Republic of Timor-Leste when it became independent. In this study, the country is referred to as East Timor when events preceding independence are discussed and Timor-Leste for the period following the achievement of official independence in May 2002 although East Timor is the most common and most readily identifiable name of the country in English-language publications.

[3] The estimated number of the East Timorese people who were killed by the Indonesian troops or died as a result of famine or disease varies between 100,000 and 200,000. In a report released to the international community in January 2006, East Timor's Commission for Reception, Truth and Reconciliation (CAVR)

The achievement of independence, which marked the end of a long struggle for liberation from foreign rule and establishing a political community of their own, also denoted the beginning of another long and difficult process aimed at integration at the national level. This was to be accomplished through healing the wounds of the past, promoting social reconciliation and communication and creating a new sense of "imagined" community based on a shared collective identity. This new sense of national unity would replace the consensus of the resistance years constructed on the basis of opposition to a common enemy. Shortly after the withdrawal of the Indonesians, however, the coalition of resistance, built upon the suppression of ideological, political and societal differences in the interest of 'national struggle', was replaced by a fierce struggle for power at the elite level and an intense competition within the society.

Power struggles centring on the question of who 'owns' the resistance and deserves to hold power after independence have constituted the essence of problems with achieving unity at the national level in the post-Indonesian period. Are the military leaders and guerrillas, who fought for national liberation in the mountains, the centre of authority? Or is it the Church that protected civilians against the brutality of the Indonesian military? Should more say be given to the educated youth who created a critical clandestine network organised in the villages and cities? Or should the country be run by the members of the diplomatic front in exile who for years struggled to keep the East Timor conflict on the international agenda and lobbied for the conduct of a UN-sponsored referendum? Or is it those from eastern part of the country that contributed more to the national struggle than westerners that should be given more say and influence in Timorese politics and government? Each of these actors representing competing interests had a different vision for and expectation from the new Timorese nation-state to be built in the post-Indonesian period. The growing rift between these competing groups in the post-independence period, as will be discussed later, was followed by the eruption of violence in April 2006, triggered by unrest within the army.

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estimated that up to 180,000 Timorese civilians lost their lives during the Indonesian occupation. For further information, see East Timor's Commission for Reception, Truth and Reconciliation (CAVR), "Part 8: Responsibility and Accountability", *Chega! The Report of the Commission for Reception, Truth, and Reconciliation Timor-Leste* (Dili, 2005).

In accordance with the analytical framework outlined in Chapter 2, this chapter reviews the process of national integration in Timor-Leste in the post-Indonesian period. It treats East Timorese nationalism and East Timorese nationhood as two inter-related but separate phenomena. The chapter is divided into four parts. The first part discusses the socio-political situation in Timor prior to and following the establishment of Portuguese colonial rule. The second part explores the emergence of the East Timorese national movement towards the end of the Portuguese colonial rule and its development under the Indonesian occupation. The next part discusses the process of nation-building in the post-independence period and focuses on the issues of national reconciliation, social communication and construction of a cohesive national identity. The last part analyses the issue of regional differences and its implications for the process of national integration in the post-independence period.

4.2. Socio-Political Structure of East Timor Prior to and After the Establishment of Portuguese Colonial Rule: Diversity and Divisions

The arrival of the European powers in Southeast Asia, first the Portuguese and later the Dutch, resulted in stiff rivalry for establishing a commercial domination over the region surrounding the island of Timor and contributed to the already existing political and socio-cultural divides and competition in Timor. Prior to the arrival of Portuguese merchants and Dominican priests at the beginning of the sixteenth century, Timor was populated by diverse ethno-linguistic groups and ruled by a number of hierarchically organised small kingdoms and princedoms with shifting alliances.[4] The division of the island into two halves was a direct result of the political and economic competition between the two colonial powers. In fact, the official partitioning of the island between Portugal and the Netherlands in the early twentieth century "roughly

[4] James J. Fox, "Tracing the Path, Recounting the Past: Historical Perspectives on Timor", James J. Fox and Dionisio Babo Soares (eds.), *Out of Ashes: Destruction and Reconstruction of East Timor*, (Adelaide: Crawford House Publishing, 2000), pp. 7-8; Jill Jolliffe, *East Timor: Nationalism and Colonialism*, (St. Lucia, Queensland: University of Queensland Press, 1978), pp. 17-19; John G. Taylor, *Indonesia's Forgotten War: the Hidden History of East Timor*, (London, New Jersey: Zed Books Ltd, 1991), pp. 1-3.

corresponded"[5] to the early ethno-linguistic and political division between the Vaiqoeno-speaking Atoni people thought to be of Melanesian descent in what is now West Timor and the Tetum-speaking Belu people of Malay descent in the east.[6]

Traditional Timorese political structure took the form of small polities ruled by a local chief (*liurai*). According to Portuguese colonial historiography, the western half of the island, referred to as Servião, consisted of 16 small polities (*reinos* or *regulados*), and the eastern part, Bellum (or Bellos), was made up of 46 *reinos*.[7] Each polity was divided into *sucos* comprising villages populated by various ethno-linguistic groups and led by a *chefe* (chief) *de suco*.[8]

The Portuguese presence in the island, which was renowned for its sandalwood, was initially motivated by commercial interests. With the defeat of the Wehale kingdom, which the most powerful indigenous polity in Timor, by the Black Portuguese or *Topasses* (a mixed race of Portuguese and local islanders) in the mid-seventeenth century, local *liurais*' power sharply declined.[9] Regional sandalwood trade passed to the hands of the *Topasses*, who represented Portuguese power in the island and became the dominant commercial power in the region in the next two centuries.[10] Despite the Portuguese settlement in the east and the Dutch advance in the western half of the island, local *liurais* were able to maintain their political power structures. It was not until the late-nineteenth and early-twentieth century that the Portuguese were able to take firm control over their sphere of influence in the eastern part of the island.[11]

Traditional Timorese society, which was based on hierarchy and kinship, was divided into three classes: *dato* (aristocrats), *ema rai* (commoners) and *ata* (slaves).[12]

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[5] Jolliffe, 1978, p. 19.
[6] Ibid.; Fox, 2000, p. 12.
[7] Jolliffe, 1978 p. 19; Fox, 2000, p. 12; João Saldanha, *The Political Economy of East Timor Development*, (Jakarta: Pustaka Sinar Harapan, 1994), p. 45.
[8] Taylor, 1991, p. 7; Saldanha, 1994, p. 45.
[9] Fox, 2000, p. 10; Taylor, 1991, p. 8.
[10] Fox, Ibid; Taylor, Ibid.
[11] Peter Carey, "East Timor: Third World Colonialism and the Struggle for National Identity", *Conflict Studies*, 293/294, (October / November 1996), p. 1; Fox, 2000, pp. 12-18; Douglas Kammen, "Master-Slave, Traitor-Nationalist, Opportunist-Oppressed: Political Metaphors in East Timor", *Indonesia*, 76 (October 2003), p. 71; Taylor, 1991, pp. 8-10.
[12] Helen M. Hill, *Stirrings of Nationalism in East Timor: FRETILIN 1974-1978: The Origins, Ideologies and Strategies of a Nationalist Movement*, (Otford, New South Wales: Otford Press, 2002), p. 2.

The social, political and economic organisation of the Timorese was based on a system of exchange which involved both goods and individuals. Creating strong kinship alliances and power structures, this socio-political organisation of the Timorese inhibited the establishment of direct colonial rule up until the late nineteenth and early-twentieth century when Portugal implemented pacification policies to wipe out the existing local power structures following the conclusion of border agreements with the Dutch.[13] These policies included the introduction of forced labour and cash crops to transform the subsistence and self-regulated nature of the agricultural economy, and the introduction of a new administrative system to undermine the indigenous system of kinship exchange, from which *liurais* derived their power a new administrative system and from time to time revolted against Portuguese rule.[14] Despite this intense pacification campaign, local political, economic and social structures coexisted with the Portuguese administrative and social policies, and largely remained intact. They persisted not only through the years of Portuguese colonisation, but also Japanese invasion[15] and Indonesian occupation.

4.3. Development of the East Timorese National Movement and the Process of Nation-Building under Foreign Rule: Diversity, Divisions and Attempts to Build Unity

Neglected for centuries by Lisbon, East Timor was the least developed part of the Portuguese state, which always defended the idea of 'lusotropicalism' and claimed that the people of the so-called 'overseas provinces' were "as Portuguese as the whiter

[13] Taylor, 1991, pp. 8-10; Fox, 2000, pp. 12-18; José Ramos-Horta, *Funu: The Unfinished Saga of East Timor*, (Lawrenceville, New Jersey: Red Sea Press, 1987), 1987, p. 19; Kammen, 2003, p. 71; Carey, 1996, p. 1; Saldanha, 1994, pp. 38-39.

[14] Jolliffe, 1978, p. 35; Saldanha, 1994, pp. 38-39; Taylor, 1991, pp. 10-12; Donald E. Weatherbee, "Portuguese Timor: An Indonesian Dilemma", *Asian Survey*, 6:12 (December 1966), p. 685.

[15] The invasion of the territory by the Japanese between 1942 and 1945 can be seen as an indication of the impact of regional and international developments on the fate of East Timor throughout its history. Following the landing of the Dutch and Australian commandos in Dili to pre-empt a possible Japanese takeover, the Japanese sent 20,000 troops to invade the island in February 1942. For further information, see Taylor, 1991, p. 13. The Japanese invasion cost the lives of between 40,000 and 60,000 East Timorese. See, James Dunn, *Timor: A People Betrayed*, new edition (Sydney: ABC Books, 1996), p. 22; Jolliffe, 1978, p. 46; Carey, 1995, p. 4; Taylor, 1991, p. 14.

ones living in Lisbon".[16] Timor Pequena Monografia, for example, portrays East Timor not only as part of Portugal but also as a showcase of the supposedly multi-racial Portuguese state.[17] This official line claiming that 'overseas provinces' were equal to the mother country, on the other hand, disguises the fact that considerable differences existed in the distribution of resources including in which direction they travelled. According to UN sources dated 1962, the relationship between Portugal and Timor was "a colonial one" and the Timorese people had "very limited participation in the central and local organs of government"[18] while there was "no significant progress" in the territory's economic development in the post-Second World War period.[19] Public services were poorly developed and transportation and communication facilities were inadequate or absent outside the capital Dili,[20] which was provided with electricity in the 1960s and had only a few main streets paved by 1974.[21]

In addition to the allocation and distribution of resources in favour of Portugal, the restricted recognition of Portuguese citizenship to the East Timorese raises questions on the salience of Lusotropicalism and 'multi-racialism' of the Portuguese state. The population of East Timor was classified into *indigenes* ('unassimilated' natives) or *não civilizado* ('uncivilised' persons) and *não indigenes* including *mestiços* (mixed race) and *assimilados* ('assimilated' natives).[22] For an 'uncivilised' Timorese to gain *assimilado* status required proof of sufficient income and 'good character'.[23] The requirements, which also included literacy in Portuguese, paying all taxes, completing military service and living in the 'European manner', were even beyond the capacity of over 50% of the Portuguese people themselves if they were asked to meet.[24] Although the Overseas Organic Law of 1963 theoretically extended the right to vote and representation to the 'uncivilised' Timorese, tax, property and 'Portuguese way of life' requirements

[16] Ramos-Horta, p. 25.
[17] *Timor: Pequena Monografia*, (Lisboa: Agencia-Geral do Ultramar, 1965), p. 27.
[18] Weatherbee, 1966, p. 686.
[19] Ibid., p. 687.
[20] Ibid.
[21] Ramos-Horta, 1987, p. 22.
[22] Taylor, 1991, p. 13; Weatherbee, 1966, p. 684; Amilcar Cabral, *Unity and Struggle*, translated by Michael Wolfers, (London: Heinemann, 1980), p. 22.
[23] Taylor,1991, p. 13.
[24] Cabral, 1980, p. 22.

restricted their participation in the political process.[25]

Europeans	568
Mestiços	2,022
Chinese	3,122
Other *não indigenes* (Goans, etc.)	212
Indigenous *civilizado*	1,541
Indigenous *não civilizado*	434,097
Total	442,378

Table 4.1. Racial Composition of Timor's Population in 1950 - 98% of the Timorese were considered outside Portuguese civilisation (Source: Donald E. Weatherbee, "Portuguese Timor: An Indonesian Dilemma", *Asian Survey*, 6:12 (December 1966), p. 684).

Although almost all social, economic and political conditions conducive to a nationalist movement to put an end to foreign rule existed, it was not until the mid-1970s that an organised East Timorese *nacionalismo* began to develop. In addition to the limited availability of transportation and communication systems, insufficient formal educational facilities, which as noted in Chapter 2 as crucial elements of thinking in national terms and formation of national identities,[26] affected the belated the development of Timorese nationalism.

The education system under the Portuguese was established primarily to serve the needs of colonial administration.[27] Only a small portion of the elite, consisting of the Portuguese, *mestiços* and descendants of *liuari* families, had access to school and opportunities for employment with the administration. The first schools in the former colony were established by the Catholic Church for missionary purposes in the 18th century.[28] The first government school was established in the early-1860s to provide education for the first and second primary grades to sons of local rulers with the aim of overcoming problems arising from the "customs of such barbaric peoples".[29] A primary school was later established at Soibada in central Timor in 1904 to train teacher-catechists for the Catholic Church and provide four years of education for sons of

[25] Weatherbee, 1966, pp. 686-7.
[26] Gellner, 1991; Smith, 1991; Anderson, 1991.
[27] Saldanha, 1994, p. 57.
[28] Taylor, 1991, p. 17.
[29] Hill, 2002, p. 9.

liurais.[30] There were two types of primary schooling systems for Timorese under the Portuguese. While the children of Portuguese-speaking local urban elite were allowed to obtain education in the colonial state-run *escolas primárias* (primary schools) along with European pupils, rural Timorese received a second class *ensino rudimentar* (rudimentary education) at *suco* (village) and *posto* (sub-district) schools run by the Catholic missions.[31]

Starting from the mid-1960s, Portuguese colonial administration expanded educational facilities. Primary schooling for children between the ages of 6 and 12 was made compulsory in 1964.[32] The number of students enrolled in primary schools increased from 6,076 in 1960 to 57,579 in 1972[33] and the total number of schools operating throughout East Timor rose from 202 in the 1967/8 school year to 463 in 1972/3.[34] Despite this gradual improvement in education levels, 93% of East Timor's population of some 650,000[35] were still illiterate by 1973.[36] After primary schooling, students were required to pass an entrance exam to study two years of the *ciclo preparatorio* (preparatory cycle or junior secondary education) before they could enter secondary school.[37] The first secondary school was opened in 1952 but enrolment was only 854 in 1969.[38] The Chinese and Muslim Arab communities had their own private schools. By 1974, the Chinese community had 14 primary schools throughout East Timor and a secondary school in Dili.[39] The curriculum of the Chinese schools was formulated in Taiwan but they also had Portuguese language and history classes.[40] The Arab community, numbering some 900 in 1970,[41] had a school within the mosque in

[30] Ibid.
[31] Hill, 2002, pp. 35-36; Weatherbee, 1966, p. 688.
[32] Weatherbee, 1966, p. 688.
[33] Saldanha, 1994, p. 59.
[34] Hill, 2002, p. 39.
[35] This figure is taken from Terence H. Hull, "From Province to Nation: The Demographic Revolution of a People", James J. Fox and Dionisio Babo Soares (eds.), Out of Ashes: Destruction and Reconstruction of East Timor, (London: Hurst, 2000), p. 31.
[36] Taylor, 1991, p. 17.
[37] Hill, 2002, p. 37.
[38] Saldanha, 1991, p. 59.
[39] Hill, 2002, p. 36.
[40] *Timor: Pequena Monografia*, 1965, p. 61
[41] Hill, 2002, p. 36.

Dili to teach children the Qoran and to read Arabic.[42] At the same time, they were taught Portuguese.[43]

By 1973, as shown in Table 4.2., there were 463 schools in East Timor – 15 primary schools, 298 village and sub-district schools, 50 Diocese schools, 93 military schools and 7 junior secondary schools.[44] There was no university during Portuguese rule. Few students were provided with scholarships to study in Portugal. The number of Timorese students attending university in Portugal increased from 2 in 1970 to just 39 in 1974.[45] Most of these graduates eventually took up posts in government institutions, health service and the army and formed their own ideas on national development, and played a significant role in the development of a sense of Timorese nationalism.[46]

School Year	Primary schools	Village and sub-district schools	Diocese schools	Military schools	Junior secondary schools (Ciclos Preparatorios)
1967/68	13	110	40	38	1
1968/69	14	120	41	62	1
1969/70	15	150	42	80	1
1970/71	15	191	42	89	2
1971/72	15	244	44	92	2
1972/73	15	298	50	93	7

Table 4.2. Number of schools in East Timor between 1967 and 1973. (Source: Helen M. Hill, *Stirrings of Nationalism in East Timor: FRETILIN 1974-1978: The Origins, Ideologies and Strategies of a Nationalist Movement*, (Otford, New South Wales: Otford Press, 2002), p. 39.).

Despite the sporadic rebellions against the Portuguese administration and its exploitative economic and social policies such as the Dom Boaventura uprising of 1912 and Viqueque uprising of 1959, there was no organised nationalist movement in the former colony until the mid-1970s. The new regime in Lisbon established in Lisbon after the Carnation Revolution of April 1974, which toppled which toppled the Salazar / Caetano regime, unexpectedly announced that Portugal would loosen its rule over the 'overseas provinces'. This announcement was met with excitement in East Timor, resulting in the sudden formation of political associations a small group of young urban

[42] *Timor: Pequena Monografia*, 1965, p. 58.
[43] Ibid.
[44] Hill, 2002, p. 39.
[45] Ibid., p. 38; Taylor, 1991, p. 17.
[46] Taylor, 1991, p. 18.

educated *assimilado* Timorese. These associations included the Timorese Democratic Union (União Democratica Timorense, UDT) and Timorese Social Democratic Association (Associação Social Democrata Timorense, ASDT). The latter transformed itself into the Revolutionary Front for an Independent East Timor, (Frente Revolucionária de Timor Leste Independente, FRETILIN) and pioneered nationalist projects.

The lack of communication between the nationalist Timorese organised under FRETILIN and the Timorese living in the interior regions constrained FRETILIN's capacity to generate an organised mass nationalist movement with a claim for an independent East Timor. An overwhelming majority of the population in the interior regions of East Timor was illiterate and uninformed of political developments in Lisbon and Dili, and of alternatives to Portuguese colonial rule. Within this process of nation-building, Mambai[47] idioms and cultural artefacts occupied a central place in FRETILIN's efforts to generate a sense of national unity and cultural identity in a land of ethnic and linguistic diversity.

Years	Males	Females	Total
1920	215,916	181,959	397,875
1930	249,257	222,964	472,221
1946	217,354	185,878	403,232
1950	232,018	210,360	442,378
1960	267,783	249,293	517,079
1970	316,128	293,031	609,477
1973	340,128	306,207	646,155

Table 4.3. Population of East Timor under Portuguese (Source: Terence H. Hull, "From Province to Nation: The Demographic Revolution of a People", James J. Fox and Dionisio Babo Soares (eds), Out of Ashes: Destruction and Reconstruction of East Timor, (London: Hurst, 2000), p. 31.)

Meaning "my brother" in Mambai language, "maubere" was originally used by the Portuguese to denigrate the Timorese as backward and primitive people and to distinguish ordinary East Timorese from the Portuguese and the assimilated Timorese. The concept of maubere, which involved a socialist connotation, served as a popular ideology for FRETILIN to develop a national cultural identity and generate unity and

[47] One of the indigenous ethno-linguistic groups, the Mambai are the hill people and occupy a large area from the interior of Dili to the south coast including Ainaro and Manufahi.

solidarity against foreign rule.[48] In addition to the use of "Maubere people" to create a sense of East Timorese nationness, FRETILIN also revived some traditional Timorese songs and poems with images familiar to ordinary Timorese in the countryside.[49] A song written about the highest mountain in East Timor "Foho Ramelau", for example, was used by FRETILIN to reach the people in remote areas and promote the message of self-determination. It became very popular by the end of 1974.[50]

> Why, Timor, is your head forever bowed?
> Why, Timor, are your children enslaved?
> Why, Timor, do your children doze like chickens?
> Why, Timor, do your children doze like slaves?
> Awake! The foot of the mountain is white
> Awake! A new sun has risen
> Open your eyes! A new sun is over your village
> Open your eyes! A new sun is over our land
> Awake! Take the reins of your own horse
> Awake! Take the command of our land

Complementary to these policies, FRETILIN initiated a series of rural literacy and education campaigns in Tetum to unify various ethnic and linguistic groups around indigenous values.[51] However, most of the people in the interior regions considered themselves as belonging to a particular linguistic group and tended to treat those speaking other local languages as foreigners. The literacy programme therefore emphasised national unity and promoted the idea of being Timorese. One of the literacy handbooks stated that "A long time ago colonialism came to our land because our ancestors were fighting".[52]

However, it did not take long for new divisions and a contest for power between Timorese political groups to arise. This power struggle between socialist FRETILIN and the more conservative UDT, which was manipulated and exploited by Indonesia, resulted in UDT's 'pre-emptive' coup and the outbreak of a brief but bloody civil war in August 1975. The turmoil provided the Indonesian military with a justification to invade East Timor in December 1975: to bring peace and liberate the East Timorese people.

[48] Taylor, 1991, p. 42; Hill, 2002, p. 73; Jolliffe, 1978, pp. 103-5.
[49] Hill, 2002, pp. 75-6.
[50] Ibid.
[51] Ibid. p. 77; Taylor, 1991, p. 35; Jolliffe, 1978, p. 69.
[52] Quoted in Hill, 2002, p. 77.

Indonesia's invasion, which interrupted the FRETILIN-led nation-building process, deprived the Timorese people of discussing and achieving the reconciliation of the 1975 civil war. The trauma of the short but bloody civil war would have significant implications for future Timorese politics and lead many Timorese to associate political party competition with internal conflict rather than as a requirement of democracy.

East Timorese nationalism, whose foundations were laid by FRETILIN from indigenous values towards the end of Portuguese era, fully grew under Indonesian rule. Timorese society underwent a profound transformation under Indonesia and experienced both unity and division at the same time.

To start with unity, the Indonesian government's integrationist strategy, which relied on a mixture of military repression, economic development programmes, resettlement, and imposition of Indonesian culture and political ideology through universal education, had the opposite effect.[53] The Indonesian state's attempts to integrate East Timor in political, economic and cultural terms fuelled a rising sense of national unity among linguistically and culturally diverse and politically divided East Timorese against the dominant 'other'.

During the Indonesian occupation, Catholicism and Tetum emerged as the two distinctive characteristics of the East Timorese expression of national identity.[54] The Indonesian government banned the use of Portuguese in education and in the Catholic liturgy in 1981. This led the Church to adopt Tetum as a full liturgical language. The Church's choice of Tetum rather than Indonesian was an important expression of the Timorese national identity. The Church's decision to use Tetum not only raised its status from being a local language to the language of East Timorese religion and identity[55] but also helped the Church integrate "even more closely with the community"[56] and strengthen its position in Timorese social and political life.

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[53] Alberto Arenas, "Education and Nationalism in East Timor", *Social Justice*, 25:2 (Summer 1998), pp. 131-148; Peter Carey, "East Timor: Third World Colonialism and the Struggle for National Identity", *Conflict Studies*, 293/294 (October / November 1996); Anderson, 2001 [1993]; Taylor, 1991.
[54] Anderson, 2001 [1993]; Arenas, 1998.
[55] Anderson, 2001 [1993], p. 238.
[56] Carmel Budiardjo and Liem Soei Liong, *The War Against East Timor*, (London: Zed Books, 1984), p. 121.

In addition to the use of military and police control, the Indonesia government implemented development programmes in its twenty-seventh province particularly in education with a view to capitalising on East Timor's socio-economic underdevelopment and winning the 'hearts and minds' of young Timorese. To this end, the government invested more in the construction of physical infrastructure, improved healthcare facilities and built new schools. As the below table shows, under Indonesia, the number of primary schools where the curriculum was based on the state ideology, *Pancasila*[57] had risen from 47 in 1975 to 788 in 1999 and enrolment increased from 10,500 in 1975 to some 167,000 by 1999.

Access to education	1975	1999
Number of primary schools / number of students attending	47 primary schools 10,500 students	788 primary students 167,181 students
Number of junior secondary schools / number of students attending	2 junior secondary schools 315 students	114 junior secondary schools 32,197 students
Number of senior secondary schools / number of students attending	-	54 senior secondary schools 18,973 students

Table 4.4. Number of schools and students during Indonesian period (Adapted from United Nations, *Building Blocks for a Nation*, (November 2000), p. 59, available at www.undp.org/rbap/Country_Office/CCA/Cca-**EastTimor**2000.pdf [accessed on 28 August 2006]).

As can be seen in the below table, the expansion of educational facilities led to a significant increase in the number of Bahasa-speakers in East Timor. According to the 1990 census results, 85 per cent of Timorese males and 77.7 per cent of females aged between 15 and 19 could speak Bahasa.

Age group	Male	Female
15-19	85.0	77.7
20-24	78.3	59.3
25-29	64.6	43.2
30-34	57.5	31.7
35-39	46.8	27.1
40-44	34.7	16.8
45-49	30.5	15.4
50-54	25.0	12.3
55-59	20.5	8.9
60-64	16.0	9.1
65-69	20.0	8.7
All ages	56.4	39.4

Table 4.5. Percentage of Bahasa Indonesian speakers from households whose head was born in East Timor (Source Gavin W. Jones, "East Timor: Education and Human Resource Development", James J. Fox and Dionisio Babo Soares (eds), Out of Ashes: Destruction and Reconstruction of East Timor, (London: Hurst, 2000), p. 51).

[57] Introduced by Sukarno, *Pancasila* meaning "five principles" rests on nationalism, humanitarianism, democracy, social justice and the belief in one God.

The expansion of educational facilities in East Timor, similar to the effect of Dutch colonialism on the emergence of Indonesian nationalism, fostered a greater sense of nationalism amongst the educated East Timorese youth who were fluent in Bahasa.[58] The education system they went through led them to see the gap between what they were taught at school and the reality on the ground. Just as at the turn of the 20th century, the language of the coloniser, Dutch, enabled Indonesian intellectuals to communicate with the outside world, get access to modernity, perceive the real condition of their society and understand the modern means to emancipate themselves from foreign rule, Indonesian served in the same way.[59] Taught about Indonesia's decolonisation process against Dutch supremacy, educated young Timorese became involved in clandestine networks organised throughout Indonesia and East Timor rather than being 'integrated' into the Indonesian state and society. For many Timorese, the word '*integrasi*', as Carey suggests, became synonymous with Indonesian colonialism and the persecution of Timorese culture and society by the Indonesian state.[60]

The spread of Roman Catholicism among the East Timorese was another kind of societal transformation that took place in East Timor under Indonesian rule. In 1974, while a majority of the East Timorese were animist, only approximately 20 per cent were Catholic.[61] By 1999, more than 90 per cent of East Timor's population of 750,000 became Catholic.[62] Two factors led to this rise: (1) According to Indonesian law, every Indonesian citizen had to belong to one of the five officially recognised religions (Islam, Protestantism, Catholicism, Buddhism and Hinduism) in order not to be labelled as atheist, and thus, communist, (2) the Catholic Church became the "mouth of the people oppressed"[63] while the Catholic faith was seen as an instrument to resist the 'oppressor'. In other words, being a member of the Catholic Church meant "enjoy[ing] protection

[58] Anderson, 2001 [1993], pp. 236-239; Peter Carey, "Introduction", Peter Carey and G. Carter Bentley, *East Timor at the Crossroads*, (London: Cassell), 1995, p. 12.
[59] Anderson, 2001 [1993], pp. 236-239.
[60] Carey, 1996, p. 14.
[61] Arnold S. Kohen, "The Catholic Church and The Independence of East Timor", Richard Tanter, Mark Selden and Stephen R. Shalom (eds.), *Bitter Flowers, Sweet Flowers: East Timor, Indonesia, and the World Community*, (Lanham, MD: Rowman and Littlefield Publishers, 2001), p. 46.
[62] Ibid., p. 49.
[63] Interview with João Cancio Freitas, Dili Institute of Technology, (Dili, 3 February 2006). See also Kohen, 2001, pp. 46-49.

according to the Indonesian state's logic" and Catholicism became "an expression of a common suffering".[64]

The Indonesian authorities' engagement in militarising the East Timorese, on the other hand, provoked regional, political and social divisions and created new divides in the form of "pro-Indonesian vs. pro-independence". The Indonesian military recruited East Timorese civilians into "auxiliary units" and a "civil defence force" formed to provide logistic support for combat troops and to function as intelligence agents.[65] The mobilisation of civilians into paramilitary forces accelerated in the years 1998 and 1999 prior to the UN-sponsored "popular consultation". In this context, some commentators such as Kammen suggest that militia recruitment was based on particular social backgrounds.[66] In the eastern district of Lautem, where Fataluku speakers constitute the only caste-based society in the country, militia members tended to come from the ancient *akanu* (slave) caste.[67] Those who were descendants of forced plantation labourers from the late Portuguese era, referred to as *asuliar*, were largely recruited into militia forces formed in Liquica and Ermera districts in the west.[68]

In the same vein, Xanana Gusmão's efforts in the 1980s to revitalise the three-pronged resistance, i.e. the military wing, clandestine movement and diplomatic front, led to two contradictory outcomes: achieving a unified stance against the Indonesians on the one hand and fuelling political, ideological and social divisions on the other. The divisions within the resistance arose from differences of opinion on the structure of the resistance, strategy to use against the Indonesian military, and implementing the principle of civilian control of military affairs.[69]

The armed front was led by Armed Forces for the National Liberation of East Timor (Forças Armadas de Libertaçao Nacional de Timor Leste, FALINTIL), which was set up on 20 August 1975 as the armed wing of FRETILIN to counter UDT's 'pre-

[64] Anderson, 2001 [1993], p. 238.
[65] For further information on militarisation of the Timorese by the Indonesian government and army, see CAVR, 2005, Part 4.
[66] Kammen, 2003, p. 82.
[67] Ibid.
[68] Ibid., pp. 82-3.
[69] For further information on the splits in the resistance, see CAVR, 2005, Part 5.

emptive' coup of 11 August. The initial resistance strategy adopted by FRETILIN in 1976 was based on the formation of liberated zones (*zonas libertadas*) controlled and protected by FALINTIL troops, and the organisation of civilians in the resistance support bases (*bases de apoio*) where they would provide logistic support to the armed forces while being mobilised and educated.[70] Following the killing, capture and surrender of FALINTIL fighters, and the fall of the last support base in February 1979, Indonesia declared that East Timor was pacified. Almost the complete annihilation of the resistance led the surviving leaders to seek new tactics both inside and outside East Timor. To start with regenerating the armed front, the surviving resistance leadership including Xanana Gusmão, who was appointed as political commissar and FALINTIL commander-in-chief in 1981, admitted that FALINTIL could never defeat the Indonesian military.[71] With the destruction of the liberated zones and support bases, the FALINTIL leadership decided to separate civilians from the armed forces. FALINTIL's new military strategy was based on guerrilla warfare and obtaining the support of civilians living in the Indonesian controlled areas. Having initiated a series of negotiations with the Indonesian military leadership in 1983, Gusmão also worked to achieve a national front that would include other political parties and the Catholic Church, which had distanced themselves from FRETILIN.[72] In 1984, FRETILIN abandoned the Marxist-Leninist ideology and revolutionary politics adopted in 1977.[73]

These developments deepened the ideological differences between Gusmão, who was in favour of the adoption of a policy of resistance based on national unity rather than FRETILIN partisanship, and hard liners within FALINTIL. Several senior FALINTIL officers, who were also members of the FRETILIN central committee, attempted a failed coup against Gusmão. The commanders and political leaders who were at odds with Gusmão were then expelled from FALINTIL. Subsequently, several of them died or surrendered to the Indonesian military.[74]

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[70] Ibid., paras. 63-68.
[71] CAVR, 2005, Part 5, para. 112.
[72] Ibid., paras. 111-116.
[73] Ibid., para. 117.
[74] Ibid., paras. 119-123.

Having defeated the dissident voices in FALINTIL, Gusmão strengthened not only his personal position but also the armed front's dominance in the resistance movement against the party, FRETILIN. In 1987, he resigned from the FRETILIN central committee and announced the separation of FALINTIL from FRETILIN. While his move encouraged the establishment of a national front, it also deepened the existing divisions and rivalries between those who led the resistance in East Timor and those who struggled for independence and lobbied abroad, and between the military and FRETILIN.

With regard to the clandestine front, it was initially made up of FRETILIN members and their families, engaged in providing logistical support for FALINTIL troops based in the interior regions. Following the fall of the liberated zones and support bases in the interior regions, this front was restructured into organised networks in the villages and towns in East Timor and Indonesia. The clandestine front gained strength with the establishment of student cells at high school and university level in East Timor and Indonesia in the second half of the 1980s. By infiltrating the legal youth organisations and student bodies, members of the student cells were able to expand the support for the national struggle. The underground movement not only provided the logistical support that the armed front needed but also organised public protests in cities in East Timor and Indonesia as well as in Portugal and Australia where solidarity groups were established by the diaspora.[75]

The diplomatic front was also re-organised in the 1980s to encourage the participation of non-FRETILIN members in promoting self-determination in the international arena. After the Indonesian invasion, some members of UDT leadership including João Carrascalão migrated to Australia and restructured the party there.[76] FRETILIN established the Revolutionary Council of National Resistance (Conselho Revolucionária de Resistência Nacional, CRRN) in 1981 but failed to achieve an effective national unity. Following Gusmão's declaration that FALINTIL was a politically neutral army, a new umbrella organisation was established in 1988 – the

[75] Ibid., paras. 145-170.
[76] CAVR, 2005, Part 7.1, para. 388.

National Council of Maubere Resistance (Conselho Nacional de Resistência Maubere, CNRM).

These developments were accompanied by a new diplomatic campaign. José Ramos-Horta resigned from FRETILIN and was appointed as Gusmão's personal representative and the special representative of the CRNM abroad in 1989.[77] This change was followed by the consolidation of the CRNM's leading role for independence struggle at the international level, diminishing FRETILIN's position.[78] It was not welcomed by other members of the diplomatic front based in Mozambique, but for the time being internal differences were suppressed for the sake of the national resistance. Ramos-Horta's leading position in the diplomatic front reflected a changing tone of the language of the national struggle. This change in the diplomatic language was, to a larger extent, influenced by the change in the international sphere with the collapse of the bipolar world system following the disintegration of socialist regimes in Eastern Europe. The old leftist rhetoric was replaced with a new language emphasising the East Timorese people's right and commitment to democratic government and human rights. Ramos-Horta's efforts to attract international attention culminated in 1996 when he and Bishop Belo were jointly awarded the Nobel Peace Prize.[79] In April 1998, just before Suharto's fall following the collapse of the Indonesian economy, at a conference in Peniche, near Lisbon, CNRM was transformed into the National Council of Timorese Resistance (Conselho Nacional Resistência Timorense, CNRT). Due to its association with FRETILIN as well as its socialist implications, the word "Maubere" was replaced with "Timorese" to strengthen the policy of national unity.[80]

[77] CAVR, 2005, Part 5, para. 131.
[78] Ibid.
[79] "East Timor Democracy Leaders Named Nobel Peace Prize Winners, Indonesia Angered by Selection", *CNN World*, (11 October 1996), http://edition.cnn.com/WORLD/9610/11/nobel [accessed 15 April 2007].
[80] CAVR, 2005, Part 5, para. 135.

Picture 4.1. Rua do Timor-Leste (East Timor Street) in Maputo, Mozambique where members of the diplomatic front were organised during the Indonesian occupation (Photo courtesy: Anka Sahin).

The adoption and implementation of the principle of national unity at political and societal level had the desired effect, enhancing solidarity amongst the East Timorese. The changing domestic conditions within Indonesia and international circumstances also helped the Timorese leadership achieve their goal: exercising the right to self-determination. Under enormous international pressure, President Baharuddin Jusuf Habibie, who replaced Suharto in May 1998 following the Asian financial crisis, agreed to conduct a UN-sponsored "popular consultation" in relation to the status of East Timor in January 1999. The vote, organised on 30 August 1999, resulted in an overwhelming majority (78.5 %) in favour of independence.[81] Although the 30 August popular consultation marked the end of centuries-old struggle against foreign rule and the beginning of a new era, the announcement of the results of the vote

[81] United Nations Mission in East Timor (UNAMET), established by Security Council Resolution 1246 on 11 June 1999 to organise and conduct a popular consultation in order to ascertain whether the East Timorese people accept the proposed autonomy within the Republic of Indonesia or reject the proposed special autonomy for East Timor, leading to East Timor's separation from Indonesia, registered 451,792 voters in and around East Timor between 16 June and 5 August 1999. A total of 446,953 – 98.9 per cent of the registered voters – cast their ballots on 30 August. For further information, see "Secretary-General Informs Security Council People of East Timor Rejected Special Autonomy Proposed by Indonesia", UN Press Release SC/6721, (3 September 1999) available at http://www.un.org/News/Press/docs/1999/19990903.sc6721.html [accessed 23 December 2006].

sparked a scorched earth campaign by Indonesian-military backed pro-Jakarta local militias, resulting in the destruction of East Timor's already insufficient infrastructure, displacement of two-thirds of the population including 250,000 refugees thought to have been forcibly transferred to West Timor[82] and the death of at least 1,000 people.[83] In response to the escalation of violent events, covered largely in the media, President Clinton threatened to suspend all military cooperation programmes with Indonesia and called for the implementation of financial sanctions if Indonesia did not cooperate to end the violence.[84] Just two days after Clinton's call for cuts in international lending, the IMF announced the suspension of talks with the Indonesian government on its economic programme and the World Bank froze its $1 billion aid programme to the country.[85] Under this intense international pressure, President Habibie had no choice but to agree to the deployment of the Australian-led multinational force to restore law and order in September 1999 and the subsequent establishment of the UN transitional administration mandated to supervise East Timor's political independence.

[82] Joint Assessment Mission, "East Timor, Building a Nation: A Framework for Reconstruction and Development", Governance Background Paper, (Washington, DC: World Bank, November 1999); United Nations, "Report of the Secretary-General on the Situation in East Timor", United Nations Security Council, S/1999/1024, (4 October 1999).
[83] James Dunn, *Crimes against Humanity in East Timor, January to October 1999: Their Nature and Causes* (Dili: 14 February 2001), p. 26, http://www.etan.org/etanpdf/pdf1/dunn.pdf [accessed 10 April 2006].
[84] Nicholas J. Wheeler and Tim Dunne, "East Timor and the New Humanitarianism", *International Affairs*, 77:4 (2001), pp. 818-819.
[85] Ibid., p. 819.

4.4. Building the East Timorese Nation in the Post-Independence Period

The building of a nation, which Benedict Anderson defines as a political community, whose members do not personally know each other but feel culturally and political connected,[86] is a process. Nationhood, as discussed in Chapter 2, is about the institutionalisation of a political and cultural collective identity which reflects the mutual commitment of members of an "imagined" community to living together within the polity. The achievement of independence by the East Timorese people, in this context, marked the end of a long process resulting in their liberation from foreign rule and the establishment of a political community of their own. It also denoted the beginning of another process leading to the integration of diverse ethno-linguistic and cultural groups as well as politically and socially-divided groups around a shared national identity constructed upon common historical, cultural, and political bonds and characteristics. In other words, the achievement of independence entailed the creation of a new sense of 'imagined community' that would represent the East Timorese people's commitment to living together within the same polity they have created. This involved the creation of an inclusive, unifying collective identity that would replace the notion of national unity constructed during the resistance upon common suffering and painful struggle against foreign rule.

The euphoria of long-awaited liberation from foreign domination in East Timor, however, was short-lived. Shortly after the withdrawal of the Indonesian government military and pro-Indonesian Timorese militias, the old ideological, political and personal differences and divisions within the Timorese political leadership resurfaced and the coalition of the resistance, outlined in Figure 4.1., came to an end.

[86] Anderson, 1991.

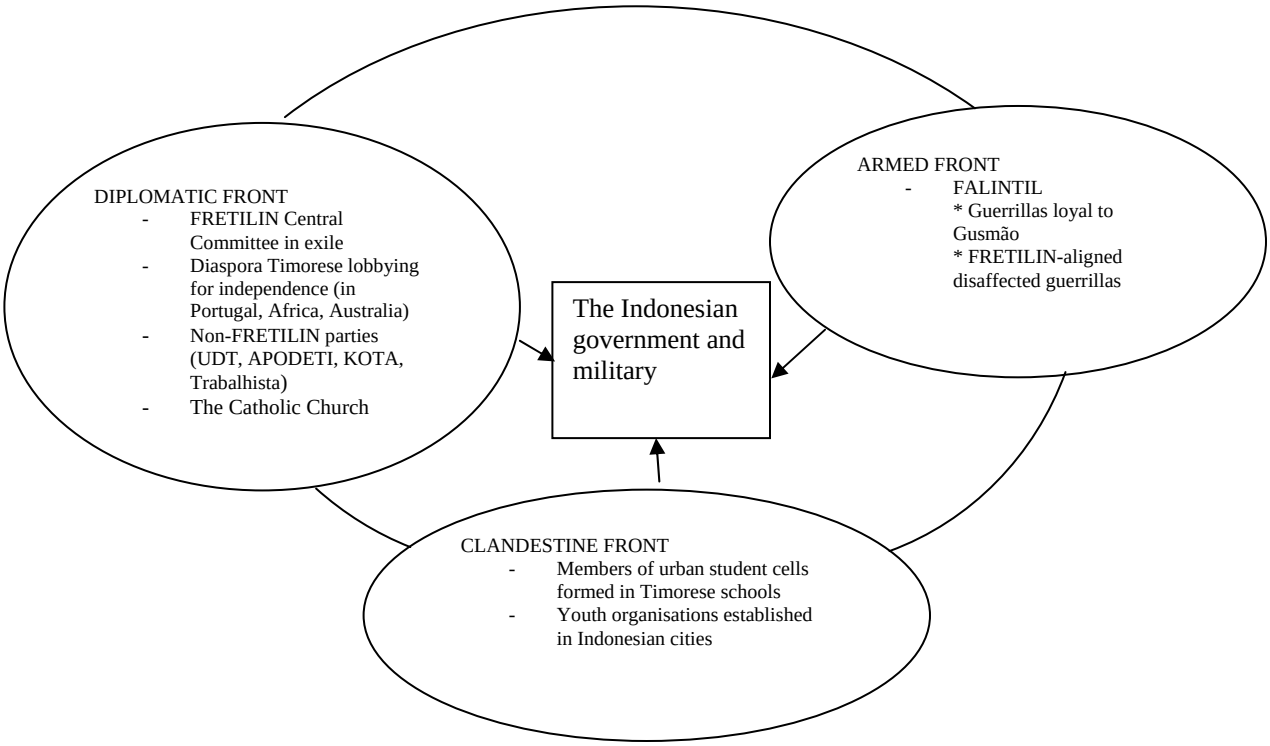

Figure 4.1. Structure of the Timorese Resistance (Unity against the 'Enemy') (Data compiled from CAVR, *Chega! The Report of the Commission for Reception, Truth, and Reconciliation Timor-Leste* (Dili, 2005), Chapters 5 and 7).

The rapidly changing political environment witnessed the emergence of a number of diverse actors and groups, affecting the emergence and intensification of intra-societal competition and divisions. Most of the political actors were the old, familiar faces who led the resistance inside East Timor e.g. Xanana Gusmão and Francisco Guterres (a.k.a. Lu'Olo), and those who returned from exile e.g. José Ramos-Horta, Mari Alkatiri, Rogerio Lobato, Francisco Javier do Amaral and João Carrascalão. There were also some new-generation actors, e.g. former student activist Fernando de Araujo, who assumed a leading role in the clandestine front of the resistance. All these political groups differed in their visions for the future of the new Timorese state and nation and were involved in a fierce struggle for power immediately after the disappearance of the enemy. As the below figure shows these political groupings did not have monolithic structures but were internally fragmented.

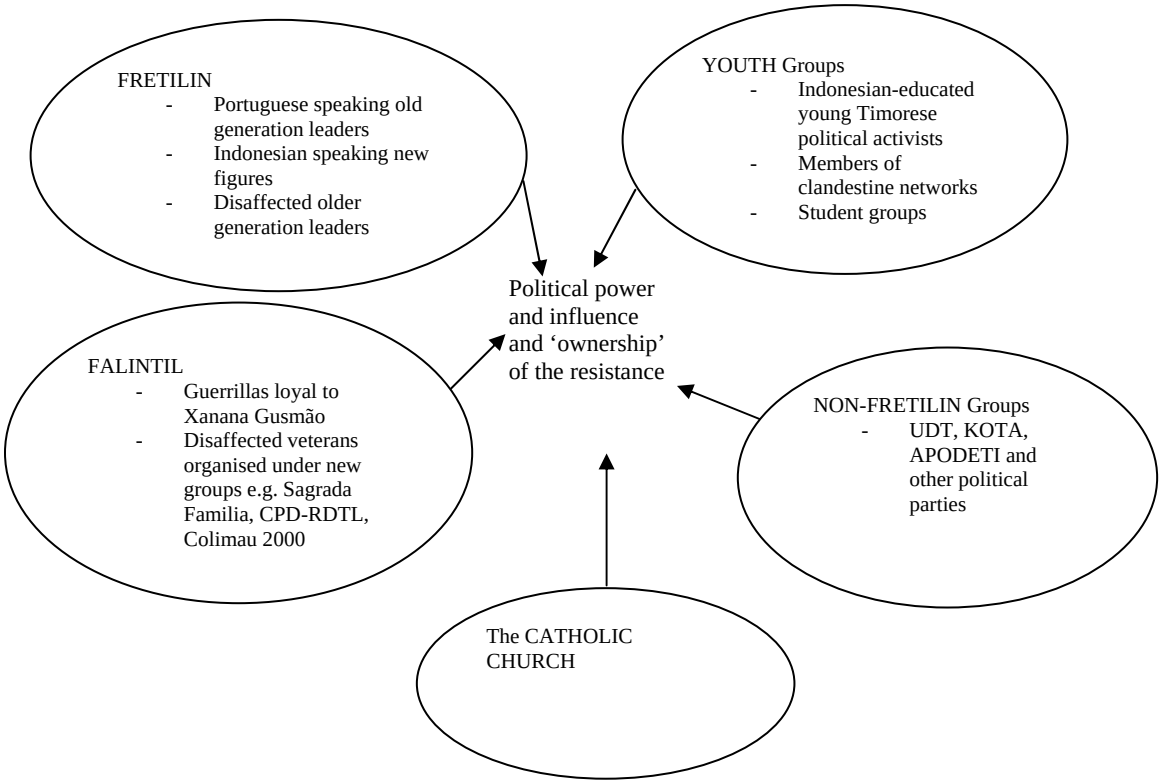

Figure 4.2. Fractures in the Timorese political community following the disappearance of the common external enemy

The divisions within the Timorese elite affected the emergence of intra-societal competition and new divisions as well as the intensification of the pre-existing divides. Centred on the question of 'who fought for independence', divisions in the society were also associated with a growing sense of disappointment with the general socio-economic situation. The inclusion of some parts of the population into the newly developed government structures and exclusion of some others fuelled discontent and led to the emergence of intra-societal competition and new divisions. The recruitment of some former FALINTIL guerrillas, most of whom were from eastern provinces with loyalties to particular commanders, into the newly-created national defence force, as will be discussed in Chapter 5, led to resentment within the veteran community. The employment of the returned Portuguese and/or English-speaking diaspora Timorese, who were better educated and more qualified than indigenous Timorese, with UNTAET and later with the Timorese government exacerbated tensions. The exclusion of some

segments of the population caused resentment amongst those who had stayed inside East Timor during the Indonesian occupation and led them to see themselves as "the oppressed" and the diaspora community as "opportunists" or those "who did not participate in the struggle for [independence] but immediately enjoy[ed] independence".[87]

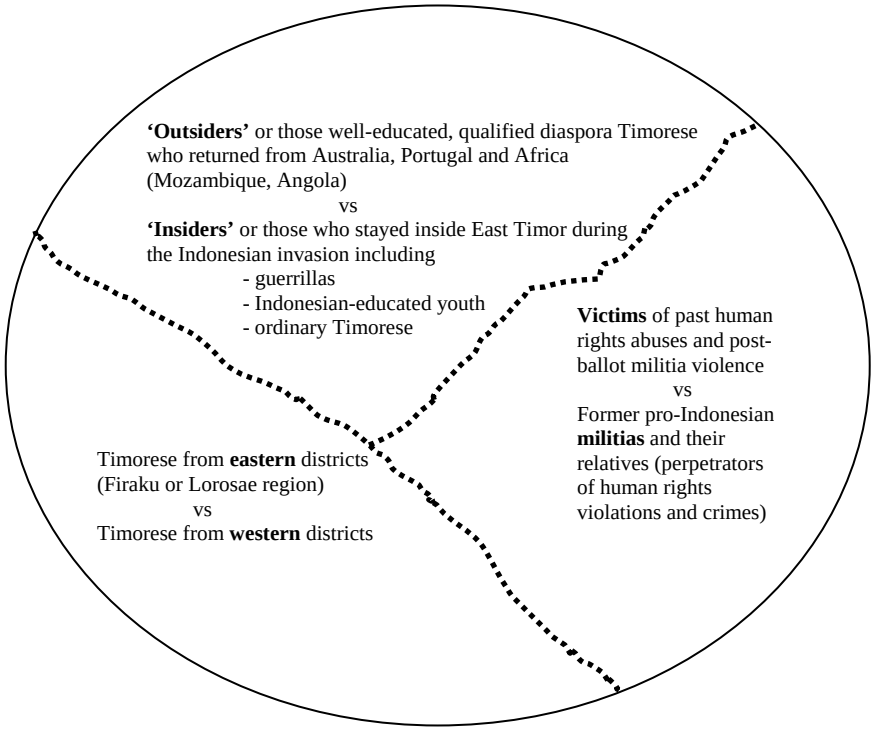

Figure 4.3. Fault-lines in the Timorese society in the post-independence period

The process of national integration in the post-independence period therefore entailed not only the discussion and reconciliation of past differences but also dealing with newly emerging political and social divisions. In the following section, I will discuss social reconciliation and communication and development of a national identity in the post-independence period.

[87] Kammen, 2003, p. 84.

4.4.1. Reconciliation as Nation-Building

Psychologically and emotionally traumatised by their long experience of violence, repression and political and social divisions, the East Timorese people needed a reconciliation process designed to disclose the truth of what happened in the past and deliver justice in order to make a new beginning. Such a process required bringing all relevant parties and giving them an opportunity to discuss and illuminate the 'dark sides' of their history and resolve political, ideological and social differences which came into existence before the Indonesian invasion and intensified under Indonesian rule. To this aim, two complementary bodies were set up to promote community reconciliation in East Timor: Serious Crimes Investigation Unit (SCIU), and Reception, Truth and Reconciliation Commission (CAVR).

The SCIU was established by UNTAET in June 2000 to conduct investigations and prepare indictments for cases of "serious crimes" committed between 1 January and 25 October 1999.[88] The investigation of crimes committed before 1999 was not under the jurisdiction of the serious crimes regime. Serious crimes were defined as genocide, crimes against humanity, war crimes, murder, sexual offences and torture.[89] At the end of 2003, 81 people against 369 accused were indicted and 46 individuals were convicted, one person acquitted and two indictments were dismissed.[90] Many suspects named in indictments remained in Indonesia while the Indonesian authorities consistently refused to transfer them to Timor-Leste to stand trial.[91] In addition to political constraints, time and funding limitations led the unit to focus on "priority cases" where evidence was easily attainable, crimes were severe and the accused had a significant degree of

[88] See UNTAET/REG/2000/15 (6 June 2000), available via http://www.unmiset.org/legal/UNTAET-Law/Regulations%20English/regenglish.htm [accessed 28 August 2006].
[89] Ibid, Section 1.3.
[90] Judicial System Monitoring Programme (JSMP), "The Future of the Serious Crimes Unit", *JSMP Issue Report*, (Dili, January 2004a), p. 3.
[91] Amnesty International, "Timor-Leste: International Community Must Press for Justice for Crimes against Humanity", *Amnesty International Press Release*, ASA 57/007/2003, (29 August 2003b), available at http://origin2.amnesty.org/library/Index/ENGASA570072003?open&of=ENG-TMP [accessed 3 September 2006].

responsibility.[92] This, however, resulted in almost half of some 1,400 murder cases from 1999, let alone the other serious crimes including rape and torture, remaining uninvestigated.[93]

The CAVR, established by the UN in July 2001, was mandated to establish the truth about human rights violations committed between April 1974 and December 1999, mediate reconciliation agreements between victims and perpetrators of "less serious" criminal offences such as theft and looting, and refer cases involving serious criminal offences to the serious crimes regime with recommendations for prosecution.[94] Having collected more than 7,000 statements in interviews and public hearings held throughout the country, the CAVR detailed and clarified responsibility for crimes committed by FRETILIN, UDT and other Timorese political groups, and the Indonesian government and military during the course of the political conflict between 1974 and 1999 in a report of some 2,500 pages on 31 October 2005.

The report concluded that the Indonesian military and the government were primarily responsible and accountable for the human rights violations committed during the 24-years of occupation, which amounted to crimes against humanity.[95] Among other things, the CAVR recommended the renewal of the serious crimes process to investigate and prosecute crimes committed by Timorese political groups and members of the Indonesian military in the past and establishment of an international criminal tribunal "should other measures be deemed to have failed to deliver a sufficient measure of justice and Indonesia persists in the obstruction of justice".[96] The CAVR report also recommended measures to seek reparations from the government of Indonesia, permanent members of the UN Security Council, and foreign governments and private companies, which provided Indonesia with the necessary military and political

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[92] Megan Hirst and Howard Varney, "Justice Abandoned? An Assessment of the Serious Crimes Process in East Timor", *International Center for Transitional Justice Occasional Paper Series* (June 2005), p. 7, available at http://www.ictj.org/downloads/ictj.justice-abandoned.pdf [accessed 19 September 2006].
[93] JSMP, 2004a, p. 7.
[94] UNTAET/REG/2001/10, (13 July 2001), available via http://www.unmiset.org/legal/UNTAET-Law/Regulations%20English/regenglish.htm [accessed 19 September 2006].
[95] CAVR, 2005, Part 8, p. 5.
[96] CAVR, 2005, Part 11, pp. 23-26.

assistance during the occupation.[97]

The recommendations of the CAVR found little support from the Timorese leadership. President Gusmão, for example, described the recommendations as an example of "grandiose idealism".[98] Regarding the CAVR's recommendation for renewing the serious crimes process to investigate and prosecute the human rights violations committed before 1999, Gusmão suggested that the prosecution of Timorese perpetrators for the past crimes would only open old wounds and trigger a wave of "political anarchy and social chaos".[99] He also argued that the investigation of past crimes by international legal staff would be likely to result in the portrayal of the East Timorese as a "brutal, violent and bloodthirsty people".[100] He therefore encouraged the Timorese political and social groups to apologise and forgive each other. The two old, rival parties, engaged in a fierce power struggle leading to a short but bloody civil war in August 1975, Fretilin and UDT publicly apologised for the crimes and abuses of human rights they committed in the past but reconciliation between the two parties was yet to be completed.

As to the implementation of recommendations on reparations, the Timorese leaders such as Gusmão and Ramos-Horta stated that they would not seek compensation from Indonesia and other foreign governments. They tended to praise the financial contributions of donor countries to the reconstruction and development of the country since 1999 and argued that it would be difficult to find out who the victims were and who participated in the resistance.[101] Thus, the Timorese leaders advocated the view that the recognition by the international community of the right to self-determination and independent statehood should be seen the delivery of "the best"[102] or "the greatest act of

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[97] Ibid., p. 4, 42.
[98] José Alexandre "Xanana" Gusmão, "Speech of His Excellency President Kay Rala Xanana Gusmão on the Occasion of the Handing Over of the Final Report of the CAVR to the National Parliament", (28 November 2005).
[99] Ibid.
[100] Ibid.
[101] "Speech of His Excellency President Kay Rala Gusmão"; "Interview with José Ramos-Horta", *Asia Source*, (20 March 2006), http://www.asiasource.org/news/special_reports/horta2.cfm [accessed 6 November 2006].
[102] Gusmão, 2005. See also, "Security Council 5351st Meeting", Press Release SC/8615, (23 January 2006), available via http://www.unmiset.org/UNMISETWebSite.nsf/UNDocuments.htm?OpenPage

justice".[103]

With regard to the implementation of recommendations pertaining to the prosecution of Indonesian military figures, the Timorese government advocated the notion of joint-investigation of the past human rights violations by the Indonesian and Timorese governments rather than the establishment of a formal tribunal. Several factors affected the Timorese leadership's approach: (1) power imbalances between Timor-Leste and Indonesia; (2) economic and political dependency of the former on the latter; (3) the poor performance of the ad hoc human rights court established by the Indonesian government to prosecute the perpetrators of human rights violations committed before and after the 1999 referendum; and (4) lack of international financial and political support for establishing an international tribunal for Timor-Leste.[104] The UN budget for the serious crimes regime in 2001, for example, amounted to only US $ 6.3 million, which was far lower than what was allocated to the international tribunals established in Rwanda and former Yugoslavia to address past human rights abuses. The International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for Yugoslavia (ICTY) budgets for 2002–2003 were $178 million and $ 223 respectively.[105]

In addition to this, it is also important to note that the UN demonstrated limited support for the serious crimes process despite former Secretary-General Kofi Annan's frequent emphasis on the need to bring perpetrators of past crimes to justice.[106] The events that followed the issuing of the indictment for General Wiranto, Commander-in-Chief of the Indonesian armed forces in 1999, illustrate the UN's lack of commitment to the justice process. The indictment of Wiranto for crimes against humanity which was condemned by the Indonesian government as a "politically motivated" action was issued in February 2003.[107] The UN declined to support the indictment by suggesting that it was issued through the prosecution service of Timor-Leste not by the UN. While this

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[accessed 20 May 2006].
[103] Asia Source, 2006.
[104] Interview with Dionisio Babo Soares, (Dili, 10 February 2006).
[105] Suzanne Katzenstein, "Hybrid Tribunals: Searching for Justice in East Timor", *Harvard Human Rights Journal*, 16 (2003), p. 258.
[106] Hirst and Varney, 2005, p. 25.
[107] Ibid.

statement was "technically correct", the work of the prosecution service was actually carried out by a UN unit and filled in by UN staff.[108] This attitude of the UN strengthened the Timorese leaders' perception that the "UN's support for justice cannot be taken for granted"[109] and prompted them to form a bilateral "Commission of Truth and Friendship" (CTF) with the government of Indonesia to investigate the events surrounding the 1999 referendum and promote reconciliation and good neighbourhood relations between the two countries. Justified as an effort to promote 'forward-looking' restorative justice rather than 'backward-looking' retributive justice, the CTF, however, was given power to grant amnesty for perpetrators who "cooperate fully in revealing the truth".[110]

The Timorese government's pragmatist position, however, contradicted those of human rights activists, civil society organisations and the victims of human rights violations, all of whom hoped the identification of responsibilities for the past atrocities would create a formal mechanism of accountability and justice to investigate and prosecute both Indonesians and Timorese for crimes committed in the past.[111] Overall, the establishment of a community reconciliation process was an important mechanism towards seeking the truth about the past human rights abuses, gathering evidence and identifying the responsibility of Timorese, Indonesian and international institutions and personalities for the crimes committed. The conduct of public hearings also raised expectations amongst the victims and survivors that justice would be served in respect to serious crimes, at least for those individuals falling under the jurisdiction of the serious crimes regime within Timor-Leste.[112] However, the SCIU's failure to indict most of the suspects referred to it by the CAVR led to the emergence of a sense of impunity and

[108] Ibid.
[109] Ibid.
[110] "Terms of Reference for the Commission of Truth and Friendship Established by the Republic of Indonesia and the Democratic Republic of Timor-Leste", (Jakarta: 9 March 2005), Point 14(c).
[111] Piers Pigou, *Crying Without Tears: In Pursuit of Justice and Reconciliation in Timor Leste: Community Perspectives and Expectations* (International Centre for Transitional Justice, August 2003); Judicial System Monitoring Programme, *Unfulfilled Expectations: Community Views on CAVR's Community Reconciliation Process*, (Dili, August 2004b).
[112] Hirst and Varney, 2005, p. 15.

unfairness amongst the victims.[113]

The limited capacity and enthusiasm of the Timorese government to follow the recommendations of the CAVR inhibited the achievement of a complete reconciliation process in the country, leaving the deep wounds of the past unhealed. Although, in general, the Timorese people are said to understand that their "poor, tiny country" has to establish good relations with its "giant neighbour", the establishment of the CTF caused tension between the Timorese government and civil society organisations and raised concerns about the government's capacity to uphold the rule of law as the basic democratic principle in politics and society.[114] It was criticised by the Church as an attempt to "bury the past rather than pursue justice"[115] and protested by East Timorese and Indonesian NGOs as a "hasty move" motivated by "political deals".[116] The Timorese government's limited progress in holding the perpetrators of human rights abuses in the past accountable caused frustration in the individuals who lost members of their family during the struggle for independence. This incomplete reconciliation process, which fuelled potential sources of division within the society, has constituted a serious challenge to accomplishing integration at the national level stemming from public trust in the capacity of government institutions to respond to the moral, political and legal demands of the Timorese society.

[113] Ibid., pp. 14-15.
[114] Aderito de Jesus Soares, Justice in Limbo: The Case of East Timor", paper presented at International Symposium on the International Criminal Court (ICC) and Victims of Serious Crimes, organised by Faculty of Law, University of Tokyo, (29 March 2005), available at http://www.etan.org/et2005/may/22/18jstce.htm [accessed 25 September 2006].
[115] Rachel Harvey, "E Timor Truth Commission Formed", *BBC News*, (1 August 2005).
[116] "'Political Deals' Were Made over the Establishment of the Commission of Truth and Friendship (CTF)", *Joint Statement of Non Government Organisations of Timor Leste and Indonesia*, (Jakarta and Dili, 18 March 2005), available at http://www.etan.org/et2005/march/20/19iandt.htm [accessed 2 November 2007]

4.4.2. Constructing an Inclusive East Timorese National Identity

As noted in Chapter 2, which provides an analytical framework for studying the process of nation-building in Kosovo and East Timor in the post-armed conflict period, the accomplishment of a sense of national cohesion in post-conflict societies entails the creation of an inclusive collective identity. In the following section, the aspects of the construction of Timorese national identity in the post-1999 period will be discussed.

4.4.2.1. History as a Source of Timorese National Identity

History serves as an important source for developing and promoting a sense of unity and national identity. In the case of Timor-Leste, history has both integrative and disintegrative elements. The strong emphasis put on the centuries-old suffering, national struggle and the subsequent triumph against foreign rule attributes Timorese history a unitary role in transcending linguistic or ethnic differences and binding diverse ethno-linguistic groups on the basis of a common historical experience and capacity to resist the domination of *malae*, meaning foreigner. On the other hand, the Timorese history has some disintegrative elements originating from (1) decades-old political and social splits and rivalries, and (2) the level of leadership and participation in the resistance movement of different regions of the country and segments of society. In this context, writing and narrating the history of Timor-Leste becomes a challenge.

To start with writing the history of Portuguese colonialism, the dominant narrative of the country's colonial past is the 450 year history of the enslavement of the Timorese people by the Portuguese masters[117] and the continued anti-colonial *funu* or national struggle of the Timorese people against the Portuguese.[118] Portuguese colonial historiography attributes a civilising role to Portuguese rule in the island and depicts the military campaigns taken against Timorese rebellious subjects as acts of benighted pacification or civilisation efforts. For the East Timorese, sporadic rebellions represent

[117] Kammen, 2003, p. 71.
[118] Geoffrey C. Gunn, "The Five-Hundred-Year Timorese Funu", Richard Tanter, Mark Selden, and Stephen R. Shalom (eds.), *Bitter Flowers, Sweet Flowers: East Timor, Indonesia, and the World Community*, (Lanham, MD: Rowman and Littlefield Publishers, 2001), pp. 3-14.

heroic struggles, wars of independence and precursors to national emancipation.[119]

East Timorese nationalist historiography which started to emerge towards the end of the Portuguese rule attributes a national heroic role to the Boaventura rebellion of 1912 and the Viqueque uprising of 1959 even though very little is known about these rebellions and it is debateable whether the two events were motivated by nationalist sentiments to overthrow the Portuguese administration. According to the Portuguese accounts of the 1912 rebellion led by Dom Buaventura, son of a local *liurais* from Manufahi (present day Same) in the south, the "complex" causes of the revolt included a proposed increase to the head tax, prohibition of the cutting of sandalwood, registration of livestock and coconut trees, imposition of new taxes on logging and on the slaughter of animals for festive occasions, and a change in the design of the Portuguese flag when it became a republic in 1910.[120] With the crushing of the Boaventura rebellion, the Portuguese pacification campaign was completed, while Dom Boaventura was elevated to the status of national hero.

The 1959 Viqueque uprising was initiated by a dozen Indonesians who were involved in a secessionist movement against the Sukarno administration and granted political asylum by the Portuguese governor of the time.[121] Allowed to reside in Baucau, these Indonesian refugees, who are also claimed to be Sukarno's agents and sent to cause trouble in the Portuguese colony, are said to have encouraged the local Timorese to attack Portuguese posts in the Viqueque district.[122] The Portuguese administration which employed local militias from the neighbouring Los Palos district suppressed the rebels with brutality.[123] Accounts of the casualties vary between 160 and 1,000 and 58 Timorese were exiled to Angola, Mozambique and Lisbon.[124]

Towards the end of Portuguese rule, these two rebellions became central reference points for the nationalist leaders of FRETILIN in their efforts to generate a sense of national unity based on a perceived tradition of anti-colonial struggle. Abilio

[119] Ibid., p. 6.
[120] Jolliffe, 1978, p. 36; Hill, 2002, p. 45.
[121] Jolliffe, 1978, p. 49; Hill, 2002, p. 49.
[122] Jolliffe, Ibid.; Hill, Ibid.
[123] Hill, Ibid.
[124] Jolliffe, Ibid.; Hill, Ibid., p. 50.

Araujo, one of the first East Timorese historians and leaders of FRETILIN who later turned into a pro-Jakarta businessman, depicted East Timor's colonial history as a two-phased resistance movement: the period of *guerras independentistas* (independence wars) led by *liurais* to defend their local kingdoms between 1642 and 1912, and the period of *resistência passiva* (passive resistance) against Portuguese political and economic domination between 1912 and 1975.[125]

In his efforts to rejuvenate the resistance around the principle of national unity in the 1980s, Xanana Gusmão invoked the long heroic struggle of the Timorese people to foreign rule by referring to these rebellions and argued that Portuguese colonialism interrupted the natural development of the Timorese nation:

> The historical identity of East Timor dates back to long before the arrival of the Portuguese. If it had not been the intrusion of Portuguese colonialism, the people of East Timor would have followed their own path; they would have created a socio-political structure defined by the essence of one people and one nation. With the arrival of the colonialists, this march was halted because of the necessity of exploring our wealth caused a war of pacification that put a stop to the struggles between the diverse kingdoms, each one wanting to take a position of ascendancy and domination over others. The ascendancy of these tribes would have determined the formation of a great kingdom – the embryo of the Maubere Homeland!...the kingdoms together formed an alliance and to expel the foreign oppressor from what was already being considered a common Homeland: this new character united the common aspirations and the will of all. It is out of this common character that an understanding that this piece of land is ours was generated. A feeling was generated in all the kingdoms of a common heritage, and the notion that we were all equal to, while at the same time different from, the Portuguese who wanted to dominate us. And it is because of this, because this character gave all the kingdoms a common motive, a united cause in the civil resistance against Portuguese colonialism, that I say we should consider it a common Homeland.[126]

Despite this perceived image of centuries-old anti-colonial struggle and of a peaceful society before the arrival of the Portuguese colonisers, it is a matter of discussion whether unity was ever strongly present in East Timor. The history of East Timor is one of internal struggles and rivalries between local kingdoms and clans or ethnic groups.[127] Alliances between local kingdoms tended to shift when internal conditions changed.[128] Existing rivalries between Timorese kingdoms were exploited by

[125] Gunn, 2001, p. 11; Hill, 2002, p. 43.
[126] Sarah Niner (ed.), *To Resist is to Win: The Autobiography of Xanana Gusmão*, (Richmond, Victoria: Aurora Books, 2000), p. 102.
[127] Gunn, 2001, p. 7.
[128] Fox, 2000, p. 19.

the Portuguese to consolidate their rule and weaken the position of the *liurais* who were opposed to the Portuguese. The imperial officials first used the armed forces of loyal *liurais* in 1642 during the campaign against the kingdom of Wehale on the south coast (now in Indonesia) and continued to do so until the suppression of the Viqueque rebellion in 1959.[129]

Discussing and writing modern Timorese history is a more challenging task than dealing with the colonial past. The civil war of 1975, organisation of the resistance, participation in the resistance movement, and political and social divisions are some of the sensitive issues. The brief but bloody civil war which started after UDT's coup to eradicate "communist elements" within FRETILIN on 11 August 1975 caused the death of 3,000 people.[130] The subsequent Indonesian occupation deprived the Timorese people of an opportunity to discuss and resolve their political, ideological and social differences and divisions, and thus achieve reconciliation.

The achievement of independence and the withdrawal of Indonesians provided the East Timorese people with an opportunity to discuss the past. However, rather than addressing the responsibility for past crimes and wrongs, heated historical debates centred on the question of 'who contributed more to the resistance' and 'who betrayed it'. Therefore, rather than contributing to the resolution of past differences, these historical debates led to the maintenance of old divisions and the emergence of new ones. As noted earlier, political and ideological differences in the Timorese nationalist leadership, which emerged during the intensive annihilation campaign of the Indonesian military in the late-1970s and intensified during the re-structuring of the resistance in the early-1980s, were suppressed in the interest of 'national struggle'. Following the achievement of independence, this old 'unsettled business' took the form of rivalry over the 'ownership' of the resistance. This struggle was mainly between those who fought for independence inside the country and members of the diaspora community who returned to East Timor in late 1999 and occupied important positions of power. The former group included guerrilla fighters and student activists and the latter involved

[129] CAVR, 2005, Part:3, para. 18.
[130] Ibid., paras. 146, 153.

those who for years kept the Timorese conflict alive on the international agenda and lobbied for the conduct of a UN-sponsored referendum for independence. The rivalry between these groups in the post-independence period undermined the prospect for developing a new understanding of unity in the absence of a common enemy.

4.4.2.2. Language

Timor-Leste is a land of ethnic, linguistic and cultural diversity. The country's population includes indigenous ethno-linguistic groups, some Chinese, descendants of Arab migrants and Indonesian transmigrants.[131] Although diversity is not necessarily a divisive factor, it has occupied an important place in the construction of the East Timorese national identity in the post-independence era.

Languages spoken in Timor-Leste can be classified into main two groups: indigenous and non-indigenous languages.[132] The former includes sixteen languages belonging to two language families: Austronesian and Trans-New Guinean languages.[133] The latter includes Portuguese, Bahasa Indonesian, varieties of Chinese, and English.[134]

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[131] Prompted by anticipation of unrest, security threats and intimidation, virtually all non-East Timorese transmigrants, estimated to have numbered 60,000, fled the territory prior to and following the 30 August 1999 popular consultation. Amnesty International, "East Timor, Seize the Moment", 21/49/99, (21 June 1999), p. 14 available at http://web.amnesty.org/library/pdf/ASA210491999ENGLISH/$File/ASA2104999.pdf [accessed 16 June 2006]; Anthony L. Smith, "East Timor", Self-Determination Conflict Profile, a project associated with Foreign Policy in Focus, (2001), p. 3, available at http://www.irc-online.org/selfdetermine/pdf/overview/OVtimor.pdf [accessed 16 June 2006].

[132] John Hajek, "Language Maintenance and Survival in Eat Timor: All Change Now? Winners and Losers", David Bradley and Maya Bradley (eds.), *Language Endangerment and Language Maintenance*, (London: Routledge Curzon, 2002), p. 182.

[133] Geoffrey Hull, "The Languages of East Timor: Some Basic Facts", *Instituto Nacional de Linguística Universidade Nacional Timor Lorosa'e* [The National Linguistic Institute of the National University of East Timor], 1999, revised on 24/08/2004, http://www.asianlang.mq.edu.au/INL/langs.html [accessed 12 April 2006]; Fox, "Tracing the Path", p. 3.

[134] Hajek, 2002, p. 182.

Austronesian languages	Trans-New Guinean languages
Tetum (includes four different variants; (1) Tetum Prasa / Tétum Praça or Tetum Dili spoken in Dili and its surroundings, (2) Tetum Terik spoken along the south coastal region, (3) Tetum Belu or Belunese dialect spoken in the south-west of East Timor and the south-east of West Timor), and (4) Nana'ek dialect spoken in the village of Metinaro, on the coastal road between Dili and Manatuto)	Bunak (spoken in central interior and south-western East Timor)
Habun (spoken in the south coast of Manatuto district)	Makasai (spoken in Baucau and Viqueque districts in the east)
Kawaimina (acronym used by linguists to refer to similar dialects of Kairui, Waimaha, Midiki and Naueti – the first three are spoken along the north coast of Baucau district and Naueti in the south coast of Lautem district)	Makalero (spoken on the south-east coast)
Galoli (spoken along the north coast between Dili and Baucau)	Fataluku (spoken in Lautem district)
Wetarese (has three dialects – Rahesuk, Resuk and Raklungu – spoken on the island of Atauro)	
Bekais (named Welaun by its speakers and spoken in the south of Balibo, on both sides of the East Timorese-Indonesian border)	
Dawan (its Baiqenu dialect is spoken in the Oecussi enclave)	
Makuva (spoken in Lautem district)	
Mambai (spoken in the south of Dili, Ermera, Aileu, Ainaro and Same)	
Kemak (spoken in the north-west of East Timor, in and around Atabae, Atsabe and Maliana)	
Tokodede (spoken along the north-western coastal strip of East Timor around Vatoboro, Maubara, Liquica and Bazartete)	
Idalaka (acronym used by linguists to refer to similar dialects of Lakalei, Idate and Isni spoken in central East Timor)	

Table 4.6. Indigenous languages of Timor-Leste (Data compiled from Hull, "The Languages of East Timor: Some Basic Facts", Instituto Nacional de Linguística Universidade Nacional Timor Lorosa'e [The National Linguistic Institute of the National University of East Timor], 1999, revised on 24/08/2004; James J. Fox, James J. Fox, "Tracing the Path, Recounting the Past: Historical Perspectives on Timor", James J. Fox and Dionisio Babo Soares (eds.), *Out of Ashes: Destruction and Reconstruction of East Timor*, (Adelaide: Crawford House Publishing, 2000), p. pp. 3-5; Idem, "Diversity and Differential Development in East Timor: Potential Problems and Future Possibilities", João Saldanha and Hal Hill (eds.), *East Timor: Development Challenges for the World's Newest Nation*, (Singapore: Institute of Southeast Asian Studies; Canberra: Asia Pacific Press, 2001), pp. 159-161), John Hajek, "Language Maintenance and Survival in Eat Timor: All Change Now? Winners and Losers", David Bradley and Maya Bradley (eds.), Language Endangerment and Language Maintenance, (London: Routledge Curzon, 2002), p. 183).

Tetum which has served as *lingua franca* since the nineteenth century when a simplified form of it – Tetum Prasa / Tétum Praça or Tetum Dili – was adopted by the Portuguese administration and the church as vernacular.[135] Tetum Prasa, greatly influenced by Portuguese, is spoken by over 80% of the population.[136] A standardised

[135] Hull, 2004; Fox, 2000, pp. 22-3.
[136] United Nations Development Programme (UNDP), *Ukun Rasik A'an: The Way Ahead*, (Dili: 2002), p.

orthography of Tetum was developed by the Timorese National Institute of Linguistics (INL in Portuguese) in 2004.[137]

Languages	Percentage of Speakers
Tetum Prasa	82 %
Bahasa Indonesian	43 % – mostly those under 35 years old educated under Indonesian rule
Portuguese	5 % – mostly older people educated under Portuguese and exiled community
English	2 % – educated elite, university students, returnees from Australia

Table 4.7. Knowledge of official and working languages in Timor-Leste (Data compiled from United Nations Development Programme, *Ukun Rasik A'an: The Way Ahead*, (Dili: 2002), pp. 36-37).

Along with Tetum, Portuguese was adopted as the official national language of the country.[138] The decision was announced only two days before the visit of Portuguese President Jorge Sampaio to East Timor in February 2000.[139] Bahasa Indonesian and English were designated as working languages used in government institutions "side by side with official languages as long as deemed necessary".[140] The choice of Portuguese was a political decision made by older Portuguese-speaking political leaders, who spent the 24 years of Indonesian occupation either fighting in the mountains or in exile overseas, and found a "nation of Indonesian speakers" upon their return.[141] The language issue, however, became the country's "first social conflict".[142]

Dominating the government in the post-1999 period, senior Timorese leaders, who were educated under the Portuguese, justified the decision to adopt Portuguese as official language as an action necessary (1) to neutralise Indonesian cultural and linguistic influence on East Timorese society;[143] (2) facilitate the country's access to the

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[137] For a historical background of the standardisation of Tetum, see National Institute of Linguistics (INL), "The Standard Orthography of the Tetum Language: 115 Years in the Making", (Dili: August 2004), available at http://www.asianlang.mq.edu.au/INL/orthhist.pdf [accessed 12 December 2006].

[138] Constitution of the Democratic Republic of Timor-Leste, Section 13.1.

[139] Don Greenlees and Robert Garran, *Deliverance: The Inside Story of East Timor's Fight for Freedom*, (Crow's Nest, New South Wales: Allen and Unwin, 2002), p. 311.

[140] Constitution, Section 159.

[141] Dennis Schulz and Fernando de Freitas, "East Timor's Tower of Babel: Cultural Clash over Timor's Official Language", *Sydney Morning Herald*, (16 August 2002), available at http://www.etan.org/et2002c/august/11-17/16tower.htm [accessed 19 April 2006].

[142] Ibid.

[143] Dionisio Babo Soares, "Challenges for the Future", James J. Fox and Dionisio Babo Soares (eds.), *Out*

outside world, primarily the community of Lusophone countries;[144] and (3) reinforce Timor-Leste's cultural, economic and political independence from Indonesia and Australia.[145] Proponents of the Portuguese language also asserted that Portuguese would support the development of Tetum, whereas Bahasa Indonesia would "kill" it.[146] For most of the senior Timorese leaders, Portuguese represented a "fundamental" component of Timorese national identity[147] because "if the Portuguese had not come, today East Timor would be part of Indonesia".[148] Since the Portuguese colonial past enabled the Timorese people with the capacity to resist Indonesian rule and exercise the right to self-determination, historical and emotional links with Portugal had to be maintained in the post-independence period.[149]

Xanana Gusmão, for example, argued that Timor-Leste had to adopt the coloniser's language because the country owed its independence to Portugal, which gave the territory a "historical, cultural and religious" identity: "If the Portuguese left many years ago, the Dutch would have taken this area and we would have become Indonesia. We have them to thank for our own identity".[150] Similarly, José Ramos-Horta, who after the achievement of independent claimed that "[i]f you take away Portuguese language and religion, there is no such thing as East Timor",[151] explained the choice of Portuguese along with Tetum "as a strategic decision to strengthen the uniqueness of East Timor, the national identity of East Timor".[152]

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of Ashes: Destruction and Reconstruction of East Timor, (Adelaide: Crawford House Publishing, 2000), p. 292.

[144] Simon Chesterman, "East Timor in Transition: from Conflict Prevention to State-Building", *International Peace Academy Reports*, (New York, May 2001), available at http://www.jsmp.minihub.org/Resources/2001/IPA%20-%20East%20Timor%20in%20Transition.pdf [accessed 28 June 2006].

[145] Discussions with several UNDP and AusAID staff members, Dili, February 2006.

[146] Chesterman, 2001.

[147] "Portuguese Is A 'Fundamental Part' of National Identity", Lusa (19 April 2004), http://www.etan.org/et2004/april/22/19portug.htm [19 April 2006].

[148] Interview with João Cancio Freitas, Dili Institute of Technology, (Dili, 3 February 2006).

[149] Schulz and de Freitas, 2002; "Portuguese is a 'fundamental part' of national identity", *Lusa* (19 April 2004), available at http://www.etan.org/et2004/april/22/19portug.htm [accessed 19 April 2006].

[150] Greenlees and Garran, 2002, p. 312. For similar arguments, see Sian Prior, "Languages in East Timor, Part 2", *Radio National*, (3 July 2004), available at http://www.abc.net.au/rn/arts/ling/stories/s1144109.htm [accessed 20 April 2006].

[151] Quoted in Chesterman, 2001.

[152] BBC, "Talking Point Forum: East Timor's José Ramos-Horta", (12 June 2002), available at

This official definition of East Timorese national identity in terms of the perceived Portuguese political and cultural heritage, which contradicts the narration of the country's colonial past in the nationalist historiography, is based on the neglect of a number of historical events. As noted earlier, the nationalist historiography, which started to emerge towards the end of Portuguese rule, attributes a nationalist vision to indigenous rebellions, although not all of them were anti-colonial in character.[153] In addition to this, it is important to note that under the Portuguese, as discussed earlier, the former colony's population was classified into two main groups: *não civilizados* ('uncivilised' natives) and *civilizados* including *mestiços* (mixed race) and *assimilados* ('assimilated' natives).[154] *Assimilados* had the right to vote in elections for the Portuguese National Assembly and the local legislative council.[155] They were treated by the Portuguese as 'non-indigenous' and had access to formal education provided by the colonial state-run schools and seminaries. According to the 1950 census results, Portuguese-speaking native *assimilados* and *mestiços*, who constituted the former colony's local elite, numbered only 3,563 of the territory's population of some 440,000 people, while over 98% of the population was classified as 'uncivilised'.[156]

With regard to the knowledge of Portuguese in the post-independence period, fewer than 10% of the country's population, mostly those educated under the Portuguese or members of the returned diaspora, could speak it. Approximately 90% of those under 30 years old, and 50% of those over that age could understand Indonesian.[157] According to the results of a survey undertaken by the Asia Foundation in 2001, 91% of respondents said they could speak Tetum and 58% could read it while 63% said they could understand Indonesian and 54% could read it. Some 17% stated they could speak Portuguese and 14% said they could read it.[158] This is not to suggest that the Indonesian-

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http://news.bbc.co.uk/2/hi/talking_point/forum/2026934.stm [accessed 5 June 2006].

[153] Gunn, 2001.

[154] Weatherbee, 1966, p. 684; Taylor, 1991, p. 13. See also Cabral, 1980, p. 22.

[155] Taylor, 1991, p. 13.

[156] Weatherbee, 1966, p. 684.

[157] Joseph Oenarto, "Can East Timor Survive?", Australian National University North Australia Research Unit Discussion Paper 17/2000, (2000), p. 12.

[158] Asia Foundation, *East Timor National Survey of Voter Knowledge (Preliminary Findings)*, (Dili, May 2001), p. 70, http://www.asiafoundation.org/pdf/EastTimorVoterEd.pdf [24 December 2005].

speaking youth conceived the Indonesian language as an essential marker of their national identity. Instead, as mentioned earlier, they were aware of their distinct Timorese identity and a majority of them took part in the clandestine networks against Indonesian rule. For a majority of the country's youth, the ability to speak Tetum rather than Portuguese represented East Timorese national identity. The results of a survey conducted in August 2002 to obtain information on the perception of national identity by tertiary students in Dili tends to support this point: some 83% of respondents described "ability to speak Tetum" as "very important to being truly East Timorese" while only 24% said it for Portuguese.[159]

As discussed in Chapter 2, national identities are constructed by political elites in different forms on the basis of specific political objectives. In the construction of national identities language policies occupy a significant place because national identities are associated with "high cultures", created by ruling political elites in a standardised language, which permits "context-free communication".[160] Fluency in the "high culture" enables individuals to achieve upward social mobility.[161] In the case of Timor-Leste, the choice of Portuguese to shape the East Timorese "high culture" advantaged those who were educated in Portuguese. The decision of the senior Timorese leaders, who come from a *mestiço* or *assimilado* background, to adopt Portuguese as the country's official language can therefore be seen as an effort of a small group of people or a class to sustain their historically privileged status and entrench their power in the post-independence period. Their decision, which undermined the already limited employment opportunities for the Indonesian-educated young Timorese with government, however, fuelled a rising sense of alienation and exclusion among the majority of the population. The youth, in other words, felt being denied playing "an appropriate role in the new nation":[162]

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[159] Michael Leach, "'Privileged Ties': Young People Debating Language, Heritage and National Identity in East Timor", *Portuguese Studies Review*, 11:1 (2003), p. 147.
[160] Gellner, 1983.
[161] Ibid.
[162] James Cotton, "East Timor in 2004, It is All About Oil", *Asian Survey*, 45:1 (January / February 2005), p. 187.

> [T]he young Timorese who fought for independence in East Timor and in Indonesia; they soon became simply spectators; they were also shocked to see how the leaders they supported and glorified like Xanana and Jose Ramos-Horta very quickly started to form inner circles in which East Timorese from exile and from the diaspora including young Timorese who grew up in Australia or Portugal, became their most loyal staffers.[163]

Feeling marginalised by their own leaders, the youth expressed their resentment in various ways and usually pointed to the fact that there is no other country in the region where Portuguese is spoken.[164] In an interview in Dili in February 2006, a young Timorese lawyer, for instance, claimed that those lacking good command of Portuguese and employed with government institutions feel looked down upon by their colleagues and seniors who are fluent in Portuguese. Lyrics of a song recorded by a local rock band in Dili "Hau La Hatene Portugersh" which means "I don't speak Portuguese" in Tetum, in this context, might illustrate the frustration of the non-Portuguese-speaking Timorese youth towards the government's language policy: "I can dance, I can sleep, I can fish but I don't know how to speak Portuguese".[165]

By law, the development of Tetum is an important priority and production of legislation is required both in Tetum and Portuguese. However, in practice Portuguese is given primacy over Tetum. Recently standardised, Tetum is considered weak or underdeveloped in terms of political, managerial and technical vocabulary. This complicated situation of the language issue, in turn, create has created difficulties in education and communication problems.

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[163] George Junus Aditjondro, "East Timorese Becoming Guests in Their Own Land", Interview by Ati Nurbaiti, *Jakarta Post*, (2 February 2001), available at http://members.pcug.org.au/~wildwood/febguests.htm [accessed 17 August 2006].

[164] In a number of discussions in Dili in February 2006, many young Timorese argued that the real international language in Southeast Asia is not Portuguese but English and Indonesian.

[165] Sian Prior, "Languages in East Timor", *Radio National*, (26 April 2004), available at http://www.abc.net.au/rn/arts/ling/stories/s1138367.htm [accessed 13 August 2006].

4.4.2.3. Social Communication

As noted in Chapter 2, Karl Deutsch argued that social communication plays a significant role in the development of nations. Arguing that economic development will lead to urbanisation and mobilisation of people from villages to towns, Deutsch suggested that individuals' exposure to new social and economic relationships and political conditions in urban centres and cross-cultural contacts[166] would result in the cultural and linguistic assimilation of minority groups and the formation of new identities at the nation level. Social mobilisation along with the growth of markets, industries, towns, literacy, transportation and mass communication would weaken kinship links, local customs, cultures and dialects, and lead to smaller groups being absorbed into larger national units.[167]

Increasing levels of urbanisation and cross-ethnic contacts, on the other hand, do not necessarily indicate the existence of integration. Limited job opportunities in urban areas have a negative impact on the process of integration. The situation in Timor-Leste tends to support this point. According to the 2004 census results, more than 70 per cent of Timor-Leste's population live in rural areas, where the majority of the households rely on subsistence cultivation, and 26% reside in urban areas with 14% living in Baucau and Dili. The census also showed that over 50% of the population are under 15 years and more than two-thirds are under 25.[168]. This, in turn, suggests that a large number of youth enter the job market every year. Due to poverty and lack of educational and employment opportunities in rural areas, many youth migrate to urban areas to seek a better life. The relatively higher wealth of Baucau and Dili attract the unemployed youth from rural areas. However, neither Baucau nor Dili, where the unemployment is estimated to be around 50%, has much to offer to the unemployed youth. Despite this, the young Timorese still continue to flow to Dili where they think that at least they have "access to information" in the capital.[169] Unable to find a job, a number of unemployed

[166] Deutsch, 1953, Chapter VI; Idem, 1969, pp. 21-25.
[167] Deutsch, 1953, pp. 97-126; Idem, 1969, pp. 21-27.
[168] United Nations Development Programme (UNDP), *The Path out of Poverty: Integrated Rural Development* (Darwin: Image Offset, January 2006a), p. 6.
[169] Interview with João Cancio Freitas from Dili Institute of Technology.

youth end up in cult-like organisations established by disaffected former veterans or ethnically distinct gangs and involve in crime and violence.

Mass communications, which can be said to be the most effective way of disseminating information and reaching people, play a crucial role in integrating people, as well as promoting national culture. As noted in Chapter 2, mass media including newspapers, the radio and television allow individuals with diverse class, ethnic, and educational backgrounds to "imagine" a group of other people who, simultaneously in time, consuming the same televised or print media narratives circulated, share common values and characteristics even though they have no direct contact with each other.[170] Timor-Leste's insufficient communications and transportation infrastructure stemming from damaged roads and bridges, geographic challenges, underdeveloped telecommunications networks outside the major urban centres, and limited access to electricity in rural areas, on the other hand, limits (1) inter-regional communication, (2) links between the government in the capital and remote areas, and (3) the capacity to disseminate information and access to reliable information. The most widespread and effective means of communication in the country is radio. Around 63% of the population use the radio as the main source of information for current issues and political developments while only 12% watch TV to get political information.[171] However, electricity supplies and telecommunications are limited and radio signal strength is poor in rural areas. While 92% of households in Dili and Baucau are supplied electricity, the proportion drops to 10% in rural areas.[172] Limited electricity supplies and underdeveloped telecommunication networks in rural areas, in turn, constrain access to accurate and reliable information.

Partly as a result of geographic challenges, poor transportation facilities and communications infrastructure, and partly as a legacy of the clandestine resistance, there is a strong reliance on informal communication networks among the East Timorese people.[173] The lack of effective communication mechanisms and the reluctance or

[170] Anderson, 1991.
[171] International Republican Institute (IRI), *East Timor National Opinion Poll*, (November 2003), p. 48.
[172] UNDP, 2006a, p. 19.
[173] Cynthia Brady and David G. Timberman, *The Crisis in Timor-Leste: Causes, Consequences and*

inability of government institutions to share information with the general public and civil society organisations have limited the government's capacity to establish an effective dialogue with the population and explain its policies and initiatives to its citizens, contributing to institutional weaknesses within the government and to a growing sense of confusion, frustration and mistrust of 'official' information in the population.[174] Uninformed or insufficiently informed about government policies and social and political developments at the local and national level, many people have become susceptible to rumours and speculation, which spread extremely fast especially during times of crises. The rumours that the army had massacred 60 people took root and rapidly spread on 28/29 April 2006. This, in turn, fuelled the panic and population movement in Dili, leading to the displacement of some 150,000 people in a short span of time. These rumours were later investigated by the UN Independent Special Inquiry Commission of Timor-Leste, which found that no such massacre occurred.[175]

Information dissemination and exchange is further complicated by the limited reach and low quality of print and broadcast media, and the use of multiple languages.[176] Newspapers reach only a small percentage of the population mainly those residing in urban areas. Some 61% of the people do not read printed media.[177] In Dili, where this number drops to 44%,[178] as of February 2006, three newspapers were in circulation: Diario Nacional published in Portuguese, Timor Post in Indonesian, and Suara Timor Lorosae in Portuguese, Tetum, English and Indonesian. The press in Timor-Leste, which enjoys a "relatively high degree of freedom" compared to neighbouring countries,[179]

Options for Conflict Management and Mitigation, A Report for USAID Timor-Leste, (12 November 2006), p. 10; World Bank, *International Development Assistance Strategy for the Democratic Republic of Timor-Leste for the Period FY06-08*, Report No. 32700-TP, (18 August 2005), p. i, 4.

[174] Ibid., p. 10, 19.

[175] United Nations Independent Special Commission of Inquiry for Timor-Leste, "The Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste", (Geneva, 2 October 2006), pp. 28-29, 42, 75.

[176] Ibid, p. 19.

[177] International Republican Institute, 2003, p. 49.

[178] Ibid.

[179] Shanthi Kalathil, *Timor-Leste Media Assessment*, (February 2006), p. 9. Timor-Leste was rated by Freedom House's *Freedom of the Press 2005 Report* as one of 39% of countries, out of 194 surveyed, with a free press. Cited in World Bank, *Strengthening the Institutions of Governance in Timor-Leste*, (April 2006), p. 25.

suffers from financial difficulties and lack of professionalism. Most journalists are quite young, with only high school level degrees[180] and they are still learning how to report responsibly and fairly.[181] Despite an overall improvement in the quality of print media and a reduction in rumours-based reporting, media observers still point to problems with the prevalence of one-sided, one-sourced articles.[182] In addition to these problems with professionalism and availability of equipment, the media in Timor-Leste also suffers from language problems. A majority of the journalists are Tetum and/or Indonesian speakers and are reported to fail to understand or misunderstand government releases produced in Portuguese and ignore them.[183] These problems with communication and dissemination of reliable and accurate information to the public by mass media, in turn, tended to undermine the progress with developing a sense of cohesive national identity in Timor-Leste in the post-independence period.

4.4.2.4. Education

Development of the education sector and improving education and literacy levels – 50.1 % in 2004[184] – were among the priorities of the FRETILIN-led government. Aiming to achieve universal primary education by the year 2015, the government allocated substantial amount of resources to education from the annual budget in the post-independence period. It is important to note that although expenditures on education increased in dollar terms, their share of total government spending declined in the fiscal years of 2006 and 2007.

[180] Ibid., p. 7.
[181] Ibid., p. 11.
[182] Ibid., p. 6.
[183] Seth Mydans, "A Babel for East Timor as Language Shifts to Portuguese", *International Herald Tribune*, (23 July 2007), available at http://www.iht.com/articles/2007/07/23/asia/timor.php [accessed 20 August 2007].
[184] UNDP, 2006a, p. 1.

Fiscal year*	Government budget (USD '000)	Share of Ministry of Education, Culture and Sports	
		Amount (USD '000)	Percentage
2002/2003	74,271	17,713	23
2003-2004	79,113	16,648	21
2004-2005	78,674	16,488	21
2005-2006	130,142	18,510	14
2006-2007	217,935	33,289	15

Table 4.8. Government spending on education (Data compiled from World Bank, *Background Paper for the Timor-Leste and Development Partners Meeting*, (Dili, 4-5 June 2003) p. 9; Idem, *Background Paper for the Timor-Leste and Development Partners Meeting*, (Dili, 18-19 May 2004) p. 14; Idem, *Background Paper for the Timor-Leste and Development Partners Meeting*, (Dili, 25-26 April 2005), p. 12; Idem, *Background Paper for the Timor-Leste and Development Partners Meeting*, (Dili, 3-4 April 2006), p. 18.

* The fiscal year in Timor-Leste runs from July 1 to June 30.

The East Timorese education system comprises six years of primary education, three years of junior secondary education and three years of senior secondary education. At the beginning of the 2004/2005 school year, a total of some 240,000 students were enrolled in over 860 primary and secondary schools throughout the country. Between 2001 and 2003, the number of primary school teachers increased from 2,992 to 4,080 and the pupil-teacher ratio fell from 67:1 to 45:1. At the junior secondary level, the number of students rose from 29,586 to 38,180 and the number of teachers from 884 to 1,103. [185] Despite this gradual progress in access to education, the net enrolment ratio for children of primary school age was around 70%, compared with 97% in Indonesia.[186] This was partly a reflection of poverty and partly as a result of some parents' reservations about their children becoming involved in a repressive system and being taught by foreign teachers.[187] The quality of education and student achievement have also remained poor. Between 20 and 25% of children repeat a grade and about 10% drop out of each grade in primary education and junior secondary education.[188]

[185] World Bank, *Timor-Leste – Education Since Independence From Reconstruction to Sustainable Improvement*, Report No. 29784-TP, (December 2004), p. xviii.
[186] UNDP, 2002, p. 14.
[187] Ibid.
[188] World Bank, 2004, p. 27.

School Year	2000/01	2001/02	2002/03	2003/04	2004/05
Primary					
Schools	719	734	749	759	759
Students	164,700	175,000	185,600	175,600	179,900
Teachers	3,470	3,860	4,248	4,862	5,415
Junior Secondary					
Schools	109	115	113	120	129
Students	28,600	32,900	37,800	40,300	41,516
Teachers	1,111	1,120	1,121	1,135	1,652
Senior Secondary					
Schools	41	48	43	55	76
Students	15,800	19,900	20,900	21,000	24,500
Teachers	634	761	800	670	725

Table 4.9. Ministry of Education of Timor-Leste and World Bank estimates of schools, teachers and students enrolled in Timor-Leste (Adapted from World Bank website, http://web.worldbank.org [accessed on 26 November 2006]).

Challenges in education are further intensified by a shortage of textbooks and resources, poor classroom facilities, underdeveloped curriculum and teaching plans, and difficulties with implementing the government's policy on medium of instruction. Following independence, it was agreed that Bahasa Indonesian materials would be used as a transitional measure.[189] Textbooks used in the schools included:

(1) Indonesian textbooks: Purchased from Indonesian publishers, photos of East Timorese students were put on their cover, a preface by President Gusmão was added, and controversial text around history and national identity were removed.

(2) Portuguese textbooks: Purchased for grades 1 and 2 in the subjects of language, mathematics, social and physical sciences. For grades 3 to 6 and all secondary school grades, language books were purchased.

(3) Picture books: Purchased to help build communication skills, these wordless books were produced in Finland to encourage discussion in the mother tongue or facilitate secondary language teaching.[190]

[189] Susan Nicolai, *Learning Independence: Education in Emergency and Transition in Timor-Leste since 1999*, (Paris: UNESCO, International Institute for Educational Planning, 2004), p. 110.
[190] Ibid., pp. 110.

A total of 2,073,400 textbooks, of which 1,584,000 were Indonesian textbooks, 272,000 were Portuguese and 216,000 were picture books, were distributed by the World Bank-financed Emergency School Readiness Project (ESRP) free of charge to Timorese students during the transitional period. In addition to this, 120,000 textbooks in mathematics and social studies for grade 1 and 2 students were also donated by the Portuguese government.[191] However, according to a UNICEF study conducted in 2001, it was found that only 5% of students had a complete set of textbooks while 42% had some textbooks and the remaining 53% had no textbooks at all.[192]

In 2000, the Timorese government designated Portuguese as the language of instruction in primary education. It was introduced in Grades 1 and 2 and extended to the upper grades by one grade each year since then while Indonesian is still permitted from Grade 4 to tertiary level. Most of the lower primary school teachers, lacking good knowledge of Portuguese to teach in that language, were frustrated with the government's decision.[193] Of some 3,000 teachers, who took a language proficiency test in 2001, only 158 (5%) achieved the pass mark.[194] No primary school teachers in Manufahi and Aileu districts and no secondary school teachers in Ainaro, Bobonaro and Manatuto districts qualified to teach Portuguese.[195] The Timorese government appealed to Portuguese-speaking countries to send teachers to provide language education and teacher training programmes. Portugal sent 150 teachers to Timor-Leste to train the Timorese teachers to enable them to teach in Portuguese.[196] Timorese teachers were offered language courses a few hours a week and expected to have sufficient understanding of the Portuguese language to teach in Portuguese.

However, these programmes did not help to implement the government's language of instruction policy and improve the quality of instruction and student

[191] Ibid., pp. 110-111.
[192] Ibid., p. 112.
[193] Schulz and de Freitas, 2002.
[194] UNDP, 2002, p. 51.
[195] Ibid.
[196] Ministry of Foreign Affairs of Portugal, "East Timor – Timor-Leste", *Activities Report for 2000, Indicative Programme for 2001*, (June 2001), p. 17, available at http://www.comissario-timor.gov.pt/pdf/rel_actividades_00_prog_indicativo_01_ortugues_english.pdf [accessed 7 October 2006]. See also, UNDP, 2002, p. 51.

achievement. During my discussions with several primary and junior secondary school teachers in February 2006, for example, almost all teachers I spoke complained about the language problem in class. Most of the young primary and secondary school teachers, who were educated in Indonesian schools, said that there were only few Timorese teachers who completed their education before 1975 could speak Portuguese. They stated that although the government designated Portuguese as the language of instruction, they continued to teach in Tetum and Indonesian in which they felt more confident.

Language	Knowledge	Not at all	A Little	Well	Excellent
Portuguese	Speak	7.8	48.6	37.9	5.8
	Read	2.9	37.0	53.9	6.2
	Write	3.7	38.3	51.4	6.6
Tetum	Speak	0.0	1.6	74.5	23.9
	Read	0.0	1.6	74.1	24.3
	Write	0.0	1.6	74.1	24.3
Indonesian	Speak	0.8	7.0	76.1	16.0
	Read	0.8	5.8	77.4	16.0
	Write	0.8	6.2	77.0	16.0

Table 4.10. Language Proficiency of Teachers Surveyed (World Bank, *Timor-Leste – Education Since Independence From Reconstruction to Sustainable Improvement*, Report No. 29784-TP, (December 2004), p. 154).

The results of a national survey, given in Table 4.10., tend to support the information I collected from my discussions with Timorese teachers. In 2003, 3,487 students in the third and fourth grades in 95 primary schools in 13 districts were given a mathematics test by the Ministry of Education, Culture, Youth and Sports with a view to assessing the level of student achievement and its determinants. In the schools, where the test was conducted, 243 teachers were asked to fill in separate questionnaires. As can be seen in Table 4.10., only a small minority of the teachers reported that they had an "excellent" command of Portuguese. It is important to note that although half of them said they could speak Portuguese well, a very low percentage of students (0.3-0.8%) stated that only Portuguese was used as the medium of instruction. Between 40 and 50 % of the students, who completed the survey, reported that a mixture of Portuguese, Bahasa Indonesian and Tetum was used in the classroom.[197] The survey also found that holding their background characteristics constant, students entirely taught in Tetum had

[197] World Bank, 2004, p. 41.

a higher probability of better performance than students taught in a mixture of Portuguese and Tetum.[198]

4.4.2.5. Religion

The Catholic religion which had a strong nationalising effect on the struggle for independence during the Indonesian occupation came to be regarded as a significant marker of the East Timorese national identity. On the official web-site of the government, it is stated that "Neither Hinduism nor the [sic] Islam had influence in the Timorese beliefs. That achievement was reserved to the Christian missionaries".[199] However, as noted earlier, the spread of Catholicism among the Timorese is a relatively recent development. Although Portuguese colonists introduced the Catholic religion to the island of Timor in the 16th century, approximately 80% of the population were still animist before 1975. It was not until the Indonesian occupation that large numbers of East Timorese converted to Catholicism and that it became an important expression of Timorese national identity. It was this shared commitment to the Catholic faith that, Benedict Anderson argued, "in some sense substitute[d] for the kind of nationalism…which comes from print capitalism".[200]

Today, an overwhelming majority of East Timorese are Roman Catholic while traditional animistic beliefs and practices merged into Catholicism are still preserved. The population also includes small Protestant, Muslim, Hindu and Buddhist minorities generally belonging to non-East Timorese ethnic communities. The number of Protestants and Muslims, who constituted a total of 7% of the population according to the 1992 Indonesian government statistics,[201] declined following the vote for independence. According to the most recent estimates, 98% of the population is

[198] Ibid., p. xxii.
[199] It can be seen on http://www.timor-leste.gov.tl/AboutTimorleste/culture.htm [accessed 13 November 2006].
[200] Benedict Anderson, "Imagining East Timor", *Arena Magazine*, 4 (April / May 1993), reprinted in *Lusotopie*, (2001), p. 238.
[201] Cited in Central Intelligence Agency (CIA) World Fact Book – Timor-Leste (2006).

Catholic, 1% Muslim and 1% Protestant.[202]

The Constitution of Timor-Leste, which separates the religious denominations from the state, provides for freedom of conscience, religion, and worship.[203] The Catholic Church, whose contribution to the independence movement is acknowledged in the Constitution,[204] on the other hand, enjoys a strong influence on the process of political decision-making. In April 2005, for example, representatives of the Church organised protests against a government policy of dropping religious education from the national primary school curriculum as a compulsory subject, and demanded the resignation of then Prime Minister Mari Alkatiri, who is Muslim and of Arab origin. The dispute was resolved in May when the government and bishops of the Church signed a joint declaration, reinserting religious education into the curriculum.[205] Having reiterated "the important contribution that religious values have in the construction of the national identity, in the construction of the nation…[and] the formation of the individual", the government and bishops left the decision on attendance to parents.

The Catholic Church was assigned a further political role following the intensification of intra-societal divisions based on regional differences during the political crisis in April and May 2006. Having described the Church as "the only continuous solid institution, that has absorbed the fabric of Timorese", in his swearing-in speech, the new Prime Minister José Ramos-Horta called for the Church to assume a greater role in the fight against poverty, education and human development and help heal the recent division in society.[206] It remains to be seen whether or not the shared commitment to Catholicism and the Church's spiritual, political and social influence will once again serve to produce national unity, as achieved during the Indonesian occupation.

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[202] CIA World Fact Book – Timor-Leste, (2007).
[203] Constitution, Section 45.
[204] Ibid., Section 11.
[205] "Joint Declaration", (7 May 2005), can be seen at http://pascal.iseg.utl.pt/~cesa/documento%20acordo%20dili.pdf [accessed 25 December 2006].
[206] "Address by Dr José Ramos-Horta at his swearing in ceremony as Prime Minister of the Democratic Republic of Timor-Leste", (10 July 2006), available at http://www.mmiets.org.au/archive/horta_inaugural.pdf [accessed 5 January 2007].

4.5. The Impact of Regional Differences on Building the East Timorese Nation in the Post-Independence Period

In addition to the controversial language policy, regionalism, which exacerbated the April and May 2006 crisis, emerged as another serious threat to achieving the integration of diverse social groups at the national level. Describing the prevailing ethno-regional differences as a potential "political fault line" in the post-independence period, Smith warned against the divisive and destabilising effects of regionalism in Timor-Leste as early as 2001.[207] The eruption of violent riots in the country on 28 April 2006, however, came as a shocking incidence for the international community. Focusing on the issues of external security threats and shortage of qualified human resources, members of the international community failed to see the potential destabilising effects of intensifying intra-societal competition on the country's institutions. During the course of my fieldwork in Dili in February 2006, several international staff members from AusAID, World Bank and UNDP, for example, reiterated that most of the societies emerging from violence tend to fall into conflict within the first five years and there was no such threat of return to violent conflict in Timor-Leste unless militia members in West Timor were supported by "some external elements". In fact, none of the four international staff members I interviewed had heard about the east-west divide or Kaladi-Firaku competition until I asked them whether such a regional divide was "real" or "artificial". The following portrayal of the country in a UNDP project document can further illustrate the perceived image of the country in early 2006:

> Several factors favour the new country's development prospects. The territory and population are relatively modest; there is no sectarianism, tribalism, secessionism, or external threats; the population is, relatively speaking, ethnically and religiously homogenous; and there is still a nation-building spirit.[208]

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[207] Anthony L. Smith, "East Timor," Self-Determination Conflict Profile, a project associated with Foreign Policy in Focus, (February 2002), p. 3, http://www.fpif.org/indices/regions/asia_body.html [accessed 26 April 2006].

[208] UNDP, "Strengthening Parliamentary Democracy in Timor-Leste (Parliament Project – project no. 00014960)" Revised Project Document for the Period 2006-2009, unpublished working draft, (January 2006), p. 4.

The Kaladi (or Loromonu) / Firaku (or Lorosae) divide, which refers to a geographical distinction in the country, involves political and socio-economic implications. Kaladi, which constitutes around 55% of the total East Timorese population,[209] refers to the districts of Aileu, Ainora, Liquica, Manufahi, Ermera, Bobonaro and Covalima in the west of the country, and the Oecussi enclave of Timor-Leste, located wholly within West Timor.[210] Corresponding to around 30% of the population,[211] Firaku includes Manatuto, Baucau, Viqueque and Lautem districts in the east.[212] Both regions are populated by diverse ethno-linguistic groups. Although the Kaladi / Firaku geographical division in general denotes the areas to the west and east of Dili, where approximately 20% of the population live, the capital can be included in the Kaladi region because during the violent clashes in April and May 2006 some 150,000 people, mostly easterners, fled their homes to escape from attacks.

Regarding the origin of the Kaladi / Firaku distinction, there is a divergence of opinion among the Esat Timorese. For some, such communal factionalism never existed but was manipulated by some groups with a "hidden political agenda" in the post-independence period.[213] For others, it existed but never became an issue or source of conflict.[214] For some others, it was created by the Portuguese to exploit the Timorese. Fretilin Vice-Secretary General Jose Reis, for instance, argued that the terms Kaladi and Firaku were irrelevant and artificial, invented by "white men", i.e. Portuguese colonisers, to divide and rule the Timorese.[215]

In this context, it is important to note that although Timor-Leste's modern history has no concerted political violence between easterners and westerners as unified and opposing groups,[216] internal divisions based on regional differences have long

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[209] James J. Fox, "Diversity and Differential Development in East Timor: Potential Problems and Future Possibilities," Hal Hill and Joao M. Saldanha, (eds.), *East Timor: Development Challenges for the World's Newest Nation*, (Singapore: Institute of Southeast Asian Studies, 2001b), p. 159; Smith, 2001, p. 3.
[210] Fox, 2001b, p. 159.
[211] Ibid; Smith, 2001, p. 3.
[212] Fox, 2001b, p. 159.
[213] Interview with João Cancio Freitas, Dili Institute of Technology, (Dili, 3 February 2006).
[214] Interview with Marcelino Magno, Timor Institute of Development, (Dili, 31 January 2006).
[215] "F-FDTL Strike Considered A Revolt", *UNOTIL Daily Media Review*, (11-13 February 2006).
[216] United Nations Independent Special Commission of Inquiry for Timor-Leste, 2006, p. 20.

existed among the East Timorese since the time of the Portuguese. Mau Lear, one of the founding members of FRETILIN, for example, criticised the prevalence of divisive "tribalist attitudes" among the East Timorese in October 1975: "One of the variations of tribalism is the division of the population into Loro Mono, and Loro'Sae…and the belief that some groups are superior to others".[217]

For some foreign observers interested in Timorese politics and society, the Kaladi / Firaku divide reflected a form of behavioural stereotyping. Fox described this stereotyped distinction as "talkative Easterners (*firaku*) and more taciturn Westerners (*kaladi*)".[218] Oenarto noted that the westerners "have been described as 'civilised' and diplomatic" while easterners are considered to be "wild fighters, preferring to find solutions through fighting than negotiating".[219]

For some others, the Kaladi / Firaku distinction in Timor-Leste is more than just a stereotype. Rebecca Engel, for example, argues that the east / west distinction represent a long-standing issue and its origins can be found in the country's turbulent history, particularly economic rivalries between the east and the west and the resistance against the Indonesians:[220]

> …there are historical grievances that have existed between certain groups in the East and others in the West. At times there has been tension among Makasae traders from the East who have a traditionally strong presence throughout the country's markets. Similarly, following the Indonesian invasion, many in the West were killed, leading the resistance to seek out the more secure base in the Matebian Mountains of the East. The rich agriculture lands of the Western districts enabled farmers to contribute financially to the resistance through their coffee and rice sales. At the same time, the Indonesians had a particularly pronounced presence in the West of the country stemming from their invasion over the mountains along the border.

The issue has become a serious obstacle to achieving national integration in the post-1999 period. The *mercado* or central market in Dili, for example, was reported to have been a scene of clashes between gangs of the Firaku and Kaladi until mid-2001

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[217] Quoted in Hill, 2002, p. 77.
[218] James J. Fox, "Tracing the Path, Recounting the Past: Historical Perspectives on Timor", James J. Fox and Dionisio Babo Soares (eds.), *Out of Ashes: Destruction and Reconstruction of East Timor*, (Adelaide: Crawford House Publishing, 2000), p. 23.
[219] Oenarto, 2000, p. 10.
[220] Rebecca Engel, "The Crisis in Timor-Leste: Restoring National Unity through State Institutions, Culture, and Civil Society|, *Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE) Working Paper*, 25, (August 2006), pp. 8-9.

when UNTAET temporarily solved the problem by physically removing the old market.[221] In a speech in 2001, Xanana Gusmão pointed to the salience of regional differences as a potential divisive factor amongst the East Timorese in the following way:[222]

> Our differences, pushed aside and apparently forgotten during these events, especially during the bloody month of September [1999], have surfaced again. The level of participation of each group in the bloody events, still prominent in the memory of the clandestine, has been evoked, by some to describe a greater participation on their part, versus that of others, instead of trying to emphasise the value of the actual sacrifices made. This has even resulted in some regional conflicts, with such slogans as "firakus fought more than kaladis".

The question of 'who owned the resistance', as argued earlier, constituted the essence of problems with building a unified East Timorese nation following the disappearance of the enemy, against which a sense of unity was established in the past. Coupled with socio-economic problems, regional differences exacerbated tensions in the post-independence period. Members of the Firaku population tended to consider themselves as more dynamic and more committed to independence than their counterparts; while seeing the Kaladi as being more accommodating to the years of Indonesian occupation.[223] In this context, Fox notes that a majority of former FALINTIL commanders and guerrillas were from Firaku districts while "a high proportion of former militia leaders [came] from the western end of East Timor, particularly the border regency of Bobonaro".[224] In the same way, regarding the regional characteristics of the resistance movement, Kiernan notes that the Indonesian military relied on *liurais* and other local political leaders in the north-western part of the country and the FRETILIN-led resistance found "its firmest support base in the remote eastern sector of the half-island".[225] Although this does not necessarily mean that

[221] Reyko Huang and Geoffrey C. Gunn, "Reconciliation as State-building in East Timor", *Lusotopie*, (2004), pp. 27-28.
[222] José Alexandre "Xanana" Gusmão, "Reconciliation, Tolerance, Human Rights and Elections", National Council Dili, (12 February 2001), available at http://www.etan.org/et2001a/february/11-17/12pres.htm [accessed 8 October 2007].
[223] Fox, 2001b, p. 159. See also Smith, 2001, p. 3.
[224] Fox, 2001b, p. 159.
[225] Ben Kiernan, "War, Genocide, and Resistance in East Timor, 1975–99: Comparative Reflections on Cambodia", Mark Selden and Alvin Y. So (eds.), *War and State Terror: The United States, Japan, and the*

westerners had no role in the liberation of the country from Indonesian rule, this regional organisation of the resistance movement fuelled discontent and regional differences in the post-Indonesian period.

The social dimension of the Kaladi / Firaku competition became evident in the rise of gangs of unemployed and unskilled youth who felt marginalised or excluded from the reconstruction of a democratic Timor-Leste. Regional differences-based intra-societal competition, which replaced the principle of national unity achieved during the years of resistance movement, became obvious in the violent clashes between gangs of youths from western and eastern districts in May 2006. The factional violence of Spring 2006, which cost the lives of at least 38 people,[226] showed how serious potential threat the regional differences may pose to internal peace, security, and stability as well as to the prospect of the country's democratic development.

4.6. Conclusion

After decades of conflict and violence, the achievement of independence for the East Timorese people marked the beginning of another long process leading to the development of a new sense of national unity, which, as suggested throughout this thesis, is a requisite for achieving democratic transition and consolidation. This new sense of national unity would replace the consensus of the resistance years, which had been constructed on the notion of opposition to a common enemy. The reconciliation of decades-old political and social differences, which were buried in the interest of the struggle against Indonesian rule, development of social communication, and construction of a shared collective identity uniting diverse linguistic groups, in this context, constituted the basic aspects of the nation-building process that the country has undergone in the post-independence period.

The resurfacing of old political and social divisions and differences and the emergence of new fractures resulting from the disagreement over the choice of the

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Asia-Pacific in the Long Twentieth Century, (Lanham, Maryland: Routledge, 2003), p. 208.
[226] United Nations Independent Special Commission of Inquiry for Timor-Leste, 2006, p. 42.

official language and insufficient progress in social reconciliation constrained the capacity to create a sense of national cohesion. The adoption of Tetum, which has served as the lingua franca of the country, as one of the two official languages was a significant step in promoting national cohesion in the post-Indonesian period. The choice of Portuguese, on the other hand, has been divisive, reflecting inter-generational and political frictions. For older Timorese political leaders, who were educated under the Portuguese and dominated the government in the post-independence period, the Portuguese language is an integral part of the East Timorese national identity. For a majority of the country's Indonesian-speaking younger generation, however, the decision to designate Portuguese as the official language represented a deliberate action to exclude them from the political process. Still a controversial issue, the choice of Portuguese has been far from generating a sense of unity among the Timorese in the post-independence period

In addition to the language issue, the incomplete reconciliation process and problems with social communication and dissemination of information within the society also undermined the achievement of a sense of national cohesion. The limited capacity of the Timorese government to deliver justice relating to past human rights crimes posed a serious challenge to accomplishing integration at the national level. Insufficient mass communication and educational facilities did little to encourage individuals with diverse ethnic, cultural and other backgrounds to "imagine" themselves as part of a national community. Increasing factionalisation, which took the international community by surprise, fuelled divisions within the society, further complicating the process of national integration. The weak sense of national cohesion in the post-independent period, as will be discussed in the following chapter, had an undermining effect on the capacity of the state institutions constructed by the UN to establish sustainable peace.

Chapter Five
Building the State in East Timor under Transitional Administration: An Unfinished Business?

> "After so much suffering, after enduring so much sacrifice, sanctioned and embraced by our people, what is it that the people of East Timor expect as a result of independence?"
>
> Kay Rala Xanana Gusmão

> "Don't expect miracles!"
>
> José Ramos-Horta

> "Most post-conflict countries relapse into violence within five years. Though you have had difficult moments and times of tension, you have opted for peace. You have come together as a nation where so many other countries fall apart in factions".
>
> Paul Wolfowitz

5.1. Introduction

Until the 2006 crisis, Timor-Leste was widely viewed as a success story of the international community in establishing democratic governance to promote sustainable peace in conflict-torn societies. In his report to the Security Council in January 2006, UN Secretary-General Kofi Annan, for example, stated that except for a few isolated border incursions of former militias, the overall political and security situation in the country was "generally calm and stable".[1] During his Spring 2006 visit, Paul Wolfowitz, then World Bank President, described the young nation as the "leader among post-war countries" and praised the country's progress in building a "a functioning economy and a vibrant democracy from the ashes and destruction of 1999".[2] Only three weeks after Wolfowitz's visit, Timor-Leste hit the

[1] United Nations, "Progress Report of the Secretary-General on the United Nations Office in Timor-Leste", Security Council Document, S/2006/24, (17 January 2006), para. 53.
[2] "Timor-Leste – The Challenge of Keeping Peace for Development", Remarks by Paul J. Wolfowitz, Dili, (9 April 2006).

international headlines with the eruption of violence on 28 April.

The dismissal of approximately 600 soldiers, almost 40% from the national defence force, catalysed the violence. The sacked soldiers, mostly from western part of the country, had signed a petition with claims of ill-treatment and discrimination in favour of soldiers from eastern districts. The peaceful demonstrations of the "petitioners" turned into violent clashes with government troops and police in the capital, Dili. The violence appeared to have been spawned by unidentified groups of youths. It was not clear who these groups were associated with or what political agenda they had. However one thing was clear: they were not part of the original "Petitioners Group". Having vandalised some houses and a market during the rallies, these unidentified groups broke the police line and attacked the headquarters and officers of the national police on April 28. Unable to restore deteriorating security and order, the Timorese police, already suffering from a number of institutional weaknesses,[3] promptly disintegrated as officers abandoned their posts.

Figure 5.1. Map of Timor-Leste (Source: United Nations Department of Public Information, Cartographic Section, Map No. 4111, Rev. (4 January 2004), available at http://www.un.org/Depts/Cartographic/map/profile/timor.pdf [accessed 3 March 2006])

[3] Shortly before the Timorese police proved incapable of managing a social movement in a professional manner on 28 April, a report released by the Human Rights Watch on 20 April 2006 pointed to the institutional weaknesses that PNTL had. The Report urged the government to address these weaknesses including insufficient professional skills and experience, and the police's inability to comply with human rights standards. For further information, see Human Rights Watch, "Tortured Beginnings: Police Violence and the Beginnings of Impunity in East Timor," *Human Rights Watch* 18:2 (New York, April 2006), http://hrw.org/reports/2006/easttimor0406 [accessed 9 July 2006].

This led the government to take the controversial decision to call out the army to restore law and order, even though the army is not constitutionally responsible for internal security and law enforcement. The army's use of disproportionate force against the protestors left five people dead,[4] dozens injured, and thousands displaced, hiding in the mountains or taking shelter in seminaries or churches. In protest of the killing of the demonstrators by the army, Major Alfredo Reinado, head of the military police, along with two other senior officers from western districts, joined the "petitioners" and were involved in violent clashes with the army.[5] The continuing violent events led the Timorese government to request the deployment of troops from regional countries. Composed of troops from Australia, New Zealand, Portugal, and Malaysia, the force was deployed to the country on 26 May. However, by this time nine unarmed police officers had been killed and 27 persons, including two UN police training advisers, had been wounded by army officers on 25 May.

The UN, which administered the territory for two and a half years to supervise its transition to political independence, described the violent events triggered by the unrest within the military as "only the precursor to a political, humanitarian and security crisis of major dimensions with serious consequences" for the country.[6] The violence, which acted as a 'wake-up call' for the UN and other members of the international community, led the UN to pursue a more integrated capacity development policy aiming to strengthen the institutions of the country, create livelihood opportunities with particular attention to exclusion and youth unemployment, promote political dialogue and social communication and foster national reconciliation.[7] The UN's response, in this context, can be seen as a reflection of its tendency to pursue reactive rather than proactive policies to post-

[4] Despite various claims about the death toll, the Special Representative of the Secretary-General, Sukehiro Hasegawa, reported to the Security Council that five persons were killed in the riots on 28 April 2006. See "Recent Timor-Leste Violence Reminder Democracy 'Still Fragile', United Nations Presence Needed Through 2007 Elections, Security Council Told", Security Council 5432nd Meeting, SC/8712, (5 May 2006), http://www.un.org/News/Press/docs/2006/sc8712.doc.htm [accessed 10 October 2006]. See also United Nations, "Report of the Secretary-General on Timor-Leste pursuant to Security Council Resolution 1690", United Nations Security Council, S/2006/628, (8 August 2006), para. 3.

[5] United Nations, "Report of the Secretary-General on Timor-Leste Pursuant to Security Council Resolution 1690 (2006)", Security Council Document, S/2006/628, (8 August 2006), para. 4.

[6] Ibid., para. 2.

[7] Ibid., para. 43.

conflict reconstruction in that the absence of armed conflict, i.e. negative peace, is seen as a sufficient benchmark. New policies are therefore formulated if and when conflict does break out again. As will be discussed in Chapter 7, in Kosovo, for instance, it was not until the March 2004 violent riots that the UN took more concrete steps to address the issue of future political status of the province with a view to strengthening the capacity of the newly created provisional institutions and promoting political stability and sustainable peace.

The violent riots and rapid breakdown of law and order during the 2006 crisis indicated that Timor-Leste's problems were deep-rooted, arising from socio-economic hardship, institutional weaknesses, political divisions and power struggles. As will be discussed later, Timor-Leste, which has faced the problems of poverty, high unemployment rate and limited prospects for creating job opportunities, has ranked one of the poorest countries in the post-independence period. In addition to these socio-economic problems, the relative consensus on national unity achieved during the resistance years yielded to internal political struggles and intra-societal competition in the post-Indonesian period. Internal power struggles have fractured externally designed and funded projects for institutional capacity development, spurring rivalries among institutions. The competitive development of the two security bodies, the armed forces and police, can be seen as a reflection both of internal power struggles within the political elite and its implications for the society in the absence of a common external enemy – the Indonesians.

The 2006 crisis, until which the country was portrayed as a showcase for successful democratic state-building in post-conflict societies, brought the question of whether the UN hastily proclaimed Timor-Leste's independence and left the country to its own device. With a view to addressing this question, this chapter explores the three significant aspects of the UN's engagement in building a functioning state system in the post-Indonesian period: security-building, institution-building and capacity-building. The chapter is divided into three main parts. The first part briefly discusses the East Timorese people's long and arduous journey to independence. The next part reviews the UN's and other external agents' engagement in giving birth to an independent, democratic state of Timor-Leste in the post-Indonesian period. The third part evaluates the outcome of the UN-led state-

building process and investigates the challenges to the country's democratic development in the post-independence period.

5.2. On the Long Path to Independence

5.2.1. Portuguese Colonial Rule

The western half of the island colonised by the Dutch became part of Indonesia when the country gained independence in 1949, while East Timor was added to the UN's list of non-self governing territories by General Assembly Resolution 1542 (XV) in 1960. Although the territory, like other dependencies of the Portuguese state, was recognised as an overseas status in 1951, according to UN sources dated 1962 the relationship between East Timor and Lisbon "remained[ed] essentially a colonial one" and the people of East Timor exercised "very limited participation in the central and local organs of government".[8]

Partly in response to this growing pressure put by the UN on Portugal to facilitate the participation of the local people in government, and partly influenced by a desire to create loyal local administrative staff and delay an independence movement as much as possible, the Portuguese administration started to improve education levels from the mid-1960s onwards. These improvements in education, which resulted in the formation of a small local intelligentsia, facilitated a slight extension of elite membership to the indigenous Timorese, who were able to take on administrative duties in government offices. Although these restricted 'Timorisation' policies aimed to enhance the separation between rural indigenous and urban-based colonial-oriented elites, thereby, delaying independence and maintaining Portuguese rule through loyal local administrative staff, they brought the opposite result; reinforcing ties with rural-based groups and adoption of novel ideas by the newly recruited young Timorese, who came up against the realities of colonialism – political control, colonial hierarchies, social inequalities, discrimination and underdevelopment.[9]

The "Carnation Revolution" of April 1974 in Lisbon, resulting in the overthrow of the Salazar / Caetano dictatorship and demise of the 400-year old

[8] Weatherbee, 1966, p. 686.
[9] Taylor, 1991, pp. 18-19.

Portuguese Empire, began the decolonisation process in overseas territories of Portugal, including East Timor. This unexpected change in the political climate in Lisbon was met with excitement in East Timor, followed by the formation of political parties mostly by *assimilados* such as Xanana Gusmão or descendants of *deportados* (persons of Portuguese origin who had married Timorese women while in exile) e.g. José Ramos-Horta and Mario and João Carrascalão.[10]

Founded on 11 May 1974 by senior civil servants, leading coffee plantation owners and some village chiefs, the Timorese Democratic Union (União Democratica Timorense, UDT) favoured the notion of eventual independence after a transition period of federation with Portugal.[11] Founded on 20 May 1974 by the newly-recruited members of the urban administrative elites, who maintained their links with their rural areas of origin, the Timorese Social Democratic Association (Associação Social Democrata Timorense, ASDT) had an anti-colonial, nationalist and socialist manifesto calling for independence following a preparatory period of up to ten years in order to develop a sufficient political and economic infrastructure.[12] Transforming itself into the Revolutionary Front for an Independent East Timor, (Frente Revolucionária de Timor Leste Independente, FRETILIN) in September 1974, the party followed a more radical nationalist programme emphasising indigenous values and calling for immediate independence. Favouring integration with Indonesia, Timorese Popular Democratic Association (Associação Popular Democrática Timorense, APODETI) was established on 27 May 1974 and had the support of certain *liurais* in Atsabe near the border with Indonesia and some members of the small Muslim community in Dili.[13] Other parties, which had a very marginal influence on the course of Timorese politics, included (1) the Association of Timorese Heroes (Klibur Oan Timor Aswain, KOTA), which sought to restore the old *liurais* system, (2) Labour Party (Partido Trabalhista), which did not have a programme, and (3) Australia Democratic Association for the Integration of East Timor with Australia, (Associação Democrática para a Integração de Timor-Leste na Austrália, ADITLA).[14]

[10] Jolliffe, 1978, p. 69.
[11] Taylor, 1991, p. 26; Dunn, 1996, p. 53; Ramos-Horta, 1987, pp. 29-30.
[12] Taylor, 1991, p. 27; Dunn, 1996, p. 56.
[13] Taylor, 1991, p. 28.
[14] Ibid.; Dunn, 1996, pp. 62-67.

Pressed by the colonial administration, Fretilin which stood on the left wing in the political arena and UDT on the right formed a fragile coalition in early 1975. Although both parties expressed their commitment to an independent East Timor, the coalition proved to be a short-lived alliance because UDT, which felt threatened by the increasing popular support for Fretilin especially in the countryside and influenced by the Indonesian-sponsored fear of communist threat posed by Fretilin, withdrew from the coalition at the end of May 1975.[15] Convinced by Indonesian military intelligence that Fretilin was getting prepared to organise a coup, UDT staged a 'pre-emptive' coup on 11 August 1975, in an attempt to eliminate the alleged communist factions within Fretilin, halt its growing popularity and seize power from the Portuguese.[16] The Portuguese governor and his staff fled to the island of Atauro, to the north of Dili. Appealing to Portuguese-trained East Timorese troops, Fretilin formed the Armed Forces for the National Liberation of East Timor (FALINTIL) and responded with a counter-attack against UDT troops, leading to a brief but bloody civil war.

The fight between Fretilin and UDT left between 1,500[17] and 3,000 dead.[18] Taking control of the territory in three weeks, Fretilin transformed itself from a political party to a de facto government and administered East Timor until the Indonesian invasion. In an effort to publicise the continued Indonesian army's incursions since October 1975 to the international community, which failed to act against Indonesian aggression, and prevent its incorporation by Indonesia, Fretilin unilaterally declared independence on 28 November, which was recognised by only former Portuguese colonies including Mozambique, Cape Verde, Angola and Guinea Bissau.[19] Having UDT, APODETI, Trabalhista and KOTA party leaders, who crossed the border with Indonesia during the civil war, sign a petition calling for integration with Indonesia, the Indonesian military responded by launching a full-scale invasion on 7 December.

5.2.2. Under Indonesian Rule

[15] Taylor, 1991, pp. 39-47.
[16] Ibid.; Carey, 1996, p. 4.
[17] Dunn, 1996, p. 184.
[18] Ramos-Horta, 1987, p. 91.
[19] Jolliffe, 1978, p. 217.

Since the early 1960s, an integrationist lobby in Indonesia campaigned for the annexation of East Timor in the event of Portuguese withdrawal.[20] By mid-1974, Indonesian military intelligence (BAKIN) finalised a covert operation based on an intense propaganda campaign designed to annex the territory, preferably by non-military means. Entitled *Operasi Komodo* (Operation Giant Lizard), Indonesia's strategy aimed to create a pretext for invasion through manipulating political events in East Timor, discrediting Fretilin and the notion of independence as a political option, and generating support for integration in East Timor and diplomatic support for incorporating East Timor into Indonesia on the international platform.[21]

Although Indonesia's invasion was condemned by the UN,[22] Indonesia's sovereignty over East Timor, which was declared as its twenty-sixth province in 1976, was tacitly recognised by the industrialised Western states.[23] Given the importance of the US-Indonesian alliance to contain the communist threat in Southeast Asia in the aftermath of the fall of South Vietnam, the East Timor conflict remained a peripheral question to the UN's agenda, preventing its resolution in favour of the East Timorese people.

Indonesia's integrationist policies, encompassing a mixture of imposing Indonesian language and culture, implementing development programmes, transmigration,[24] education, and reliance on military means, fostered the development of East Timorese nationalism, which was "embryonic" before the invasion.[25] The Indonesian government tried to abolish the remnants of local political and social structures and alienate the young Timorese to local culture through education but failed to do so. The Indonesian government's blend of education-repression-development policy[26] led to the growth of East Timorese

[20] Dunn, 1996, p. 91; Taylor, 1991, p. 22.
[21] Dunn, 1996, pp. 78-107; Taylor, 1991, 31-37.
[22] UN Security Council Resolutions 384 (1975) and 389 (1976) demanded Indonesian forces to withdraw from East Timor but did not describe the invasion of the territory as an act of aggression or as the violation of Article 2(4) of the Charter. See, UN/Doc. S/RES/384 (1975) and UN/Doc. S/RES/389 (1976).
[23] In 1985, Australia extended *de jure* recognition to East Timor's annexation by Indonesia.
[24] By the year 1989, more than 80,000 migrants from Bali, Java and Sulawesi were settled in East Timor by the Indonesian government. Adam Schwartz, *A Nation in Waiting: Indonesia in the 1980s*, (Colorado: Westview Press, 1994), p. 210.
[25] Carey, 1995, p. 4.
[26] Arenas, 1998, pp. 139-144.

nationalism[27] that would lead to a rejuvenation of the clandestine networks organised by the nationalist youth in the early-1990s.

As noted above, although the UN condemned Indonesia's invasion, there was no concrete attempt by influential international actors to resolve the East Timorese conflict. The reports of the Santa Cruz cemetery massacre of 12 November 1991, during which over 200 civilians were killed by Indonesian troops, on international TV channels, helped the international community change its attitude towards the Indonesian government and opened the way to end Indonesian rule. This incident became a turning point where Indonesia started to lose its credibility and support among international actors who had implicitly recognised Indonesia's rule over East Timor and provided military aid for years.[28]

The beginning of the end for Indonesia's rule over East Timor came with the end of Cold War and rising nationalism among the youth. The increasing coverage of human rights abuses by the media and NGOs, and the growing optimism in the rise of such liberal values as human rights in a rapidly globalising world helped to galvanise international support. The driving force in the rise of East Timorese nationalism and growing resistance to Indonesian rule in the 1990s was the Kopassus' (Indonesian Army's Special Forces unit) push to wipe out the last vestiges of the independence guerrillas following the Indonesian government's decision to open the territory to foreigners in 1989. The Indonesian army's extermination policies of 1989-1990 were so brutal that it re-kindled nationalist feelings especially among the Timorese students leading to an organised civilian movement to complement the guerrilla resistance. The Indonesian military's mishandling of the resurgence of popular unrest through brutality as in the Santa Cruz cemetery sparked a nationalism that might not otherwise have taken root.

Growing international sympathy culminated when two East Timorese, José

[27] Anderson, 2001 [1993], 233-239. See also Idem, "East Timor and Indonesia: Some Implications", Peter Carey and Carter G. Bentley (eds.), *East Timor at the Crossroads: The Forging of a Nation*, (London: Cassell, 1995), pp. 137-147.

[28] As Taylor rightly points out both the Ford (1974-6) and Carter (1976-80) administrations supported the Indonesian military beyond the accepted traditional ways. Based on the congressional rulings that arms should not be supplied for external aggression, the Ford administration increased the US military aid from US$83 million in 1975 to US$146 million in 1982. The US arms supplies reached its peaks in the periods 1978-9 and 1981-2 coinciding with the Indonesian army's offensives against the Timorese people. In the period between 1982-4, military sales exceeded US$1,000 million. In 1986, Indonesia purchased twelve F-16 fighter aircraft, costing US$337 million. See, Taylor, 1991, p. 169.

Ramos-Horta and Bishop Carlos Belo, being jointly awarded the Nobel Peace Prize in 1996. Partly due to the international pressure and partly due to his optimism on the Timorese people's preference for autonomy within Indonesia, in January 1999, President Habibie, who had succeeded Suharto the year before during the Asian economic crisis, agreed to offer a choice between special autonomy and independence to the people of East Timor.

Picture 5.1. A view from the Santa Cruz cemetery where over 200 people were killed by the Indonesian troops on 12 November 1991 (Photo taken by the author on 15 February 2006).

After a series of negotiations brokered by the UN, on 5 May 1999, Indonesia and Portugal, agreed on the organisation of a referendum called "popular consultation" under the auspices of the UN in order to ascertain whether the East Timorese people wanted to enjoy "special autonomy" within Indonesia.[29] The announcement of the 30 August 1999 referendum results triggered a three-week systematic rampaging and plundering campaign committed by Indonesian armed forces (TNI)[30]-backed pro-autonomy ethnic Timorese militias.[31] Having obtained the

[29] "Agreement between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor and the Constitutional Framework" can be found at http://www.un.org/peace/etimor99/agreement/agreeFrame_Eng01.html [accessed 19 December 2005].

[30] The title of Indonesian Armed Forces, ABRI (Angkatan Bersenjata Republik Indonesia), was announced to have been changed as TNI (Tentara Nasional Indonesia) in April 1999. In this paper, TNI will be used in referring to the events in which the army was involved after April 1999 and ABRI before that date.

[31] On the involvement of the Indonesian armed and police forces in acts of violence before and after the referendum, see "Report of the International Commission of Inquiry on East Timor to the Secretary-General", UN A/54/726, S/2000/59, (31 January 2000), available at http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.54.726,+S.2000.59.En [accessed 18

consent of Indonesia, the UN Security Council, which acted under Chapter VII, responded to the deteriorating conditions of peace and security by adopting Resolution 1264 of 15 September 1999, which authorised the establishment of the Australian-led multi-national force (International Force for East Timor, INTERFET) to restore peace and order, and facilitate humanitarian assistance. Following the acceptance of the popular consultation results by the Indonesian People's Consultative Assembly, the Security Council, through Resolution 1272, set up the United Nations Transitional Administration in East Timor (UNTAET) responsible for governing the territory during its transition to independence.

5.3. Transforming Conflict-Devastated East Timor into a Democratic State

With a low GDP per capita ranging between US$374 and 424 over the period 1995-1998,[32] East Timor was one of the least developed and poorest parts of Indonesia. The post-ballot violence ruined much of the territory's already inadequate infrastructure. The result of the large scale atrocities committed by the pro-Jakarta militias was the death of many people, displacement of a majority of the population, massive destruction of the physical infrastructure and the departure of some 7,000 civil servants and professional staff, most of whom were of Indonesian origin,[33] leading to the breakdown of law and order and collapse of formal administrative structures in East Timor.

It was against this background that the UN Security Council authorised the establishment of UNTAET mandated to provide security and maintain law and order throughout East Timor (security-building), establish an effective administration (institution-building), and develop the capacity of the East Timorese people to democratically govern themselves (capacity-building).[34] While carrying out this

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January 2006].

[32] Luis M. Valdivieso *et al.*, *East Timor: Establishing the Foundations of Sound Macroeconomic Management*, (International Monetary Fund, 2000), p. 33, available at http://www.imf.org/external/pubs/ft/etimor/index.htm [accessed 3 March 2006].

[33] In the Report of the World Bank-led Joint Assessment Mission it is noted that 25.6% of an estimated total of 28,000 civil servants employed in East Timor under Indonesian occupation thought to be of Indonesian origin left the territory. Indonesian civil servants occupied the higher grades and skilled positions that created a significant shortage of capacity in civil service. Joint Assessment Mission, 1999, p. 1.

[34] UN Doc. S/RES/1272 (1999), para. 2.

broad mandate, UNTAET, albeit in ambiguous terms, was specifically called on to "consult and cooperate closely with the East Timorese people in order to carry out its mandate effectively with a view to the development of local democratic institutions".[35]

Established to turn the war-devastated East Timor into a democratic polity after a period of transitional administration, UNTAET, from the outset, suffered from a fundamental contradiction between its mandate (preparing the East Timorese for independence) and its structure (based on a peacekeeping model).[36] UNTAET's mandate to supervise the territory's transition to independence had a dual character: (1) to administer the territory and (2) develop sustainable self-government institutions. This dilemma between its short-term mandate and long-term objective reflected a tension and shaped UNTAET's approach to institution-building and capacity-building.[37] UNTAET's short-term mandate, which included the delivery of humanitarian relief assistance, reconstruction of the devastated infrastructure, adoption of an applicable law, maintenance of domestic law and order, was structured on centralised international control. Its long-term goal of preparing the East Timorese for self-democratic government, on the other hand, required sharing power with local parties in order to encourage pluralism, legitimacy and local ownership.[38]

Concentrating on achieving quick operational and technical results through responding to immediate humanitarian and security needs on the ground, UNTAET was designed as a peacekeeping rather than a state-building mission.[39] Therefore, rather than creating mechanisms and strategies to enable local stakeholders to take a responsibility in the construction of their government and society, UNTAET adopted a heavily centralised approach to carry out its long-term objective of developing local capacity. Reflecting a contradiction between the end (developing local capacity for self-government) and means (concentration of all powers in a non-elected

[35] Ibid., para. 8.
[36] Astri Suhrke, "Peacekeepers as Nation-builders: Dilemmas of the UN in East Timor", *International Peacekeeping*, 8:4 (Winter 2001), p. 1.
[37] Beauvais, 2001, pp. 1105-6.
[38] Ibid.
[39] Suhrke, 2001, pp. 1-20; Ian Martin and Alexander Mayer-Rieck, "The United Nations and East Timor: From Self-Determination to State-Building", *International Peacekeeping*, 12:1 (Spring 2005), pp. 125-145.

external agent), UNTAET's centralised control and reluctance to include local parties in the democratic state-building process not only set a negative example in terms of the exercise of democratic principles and became a source of frustration on the part of local politicians but also hindered the development of local capacity for sustainable self-government, creating a culture of dependency on external agents and solutions.

Like all other missions established by the UN in the past, UNTAET which included peacekeeping troops and civilian administrative staff was designed and detailed at the UN Headquarters in New York with little knowledge of the situation on the ground. The mission was planned by the UN Department of Peacekeeping Operations (DPKO) rather than by the Department of Political Affairs (DPA), which had organised the 30 August 1999 'popular consultation'. The planning team was narrowly based and did not provide much space for potential contributors, e.g. the DPA, World Bank, and East Timorese pro-independence umbrella organisation CNRT, to participate in the planning process.[40] DPKO treated DPA as if it had given up any role in the planning stage due to its security failure during and after the popular consultation[41] and rejected DPA and CNRT proposals for Timorese participation in the transitional administration[42] as well as the World Bank's proposal to establish three posts for World Bank staff in UNTAET.[43] This inter-departmental rivalry within the UN and a lack of coordination between DPKO and other interlocutors, in return, hindered the development of a mission plan that would better equip UNTAET with the capacity to undertake its short-term and long-term mandates more efficiently.

With little experience in governance, the DPKO heavily relied on its most recent experience in Kosovo,[44] where both the nature of conflict and post-conflict social and political conditions were different from those in East Timor. In Kosovo, the source of conflict was the opposing sovereignty claims of the Serbs and

[40] King's College London, *A Review of Peace Operations: A Case for Change, East Timor Report*, (2002), http://ipi.sspp.kcl.ac.uk/rep006/index.html [accessed 18 Mar 2006], para. 20; Jarat Chopra, "The UN's Kingdom of East Timor", *Survival*, 42:3 (Autumn 2000), p. 32; Suhrke, 2001, p. 9.
[41] King's College London, 2002, para. 21; Suhrke, 2001, p. 6.
[42] King's College London, para. 25; Chopra, 2000, p. 32; Suhrke, 2001, p. 9.
[43] King's College London, 2002, p. 24.
[44] Anthony Goldstone, "UNTAET with Hindsight: The Peculiarities of Politics in an Incomplete State", *Global Governance*, 10:1 (January-March 2004), p. 85; King's College London, 2002, para. 23; Suhrke, 2001, pp. 7-8.

Albanians. Hostilities between the two ethnic groups did not cease to exist in the post-armed conflict period and rival factions within the Albanian political community were struggling for power when UNMIK (United Nations Interim Administration Mission in Kosovo) was set up.

In East Timor, on the other hand, the root cause of the conflict was the occupation of the territory by neighbouring Indonesia. The main political division was between the pro-independence Timorese organised under the CNRT (National Council of Timorese Resistance) and pro-Indonesian integrationists. Pro-integrationist militias, discredited by the post-ballot violence, crossed the border with Indonesia following the deployment of the Australian-led multinational force to restore law and order in the post-ballot period.[45] This is not to suggest that CNRT was a unified body with no internal divisions within it. To the contrary, as will be discussed in the following chapter in detail, the decades-old personal, political and ideological differences within the Timorese nationalist elite immediately resurfaced following the disappearance of the 'enemy'. UNTAET's reluctance to recognise CNRT as a legitimate and equal partner, as Jarat Chopra and Dionisio Babo-Soares suggest,[46] accelerated its disintegration because the two major political rival parties, UDT and FRETILIN, saw no reason to maintain CNRT given its inability to pressure UNTAET to involve Timorese stakeholders in the transitional administration.

The other major difference between East Timor and Kosovo was that in Kosovo, the UN assumed the task of governing the province for an indefinite period, putting the issue of future political status on hold. In East Timor, on the other hand, UNTAET was precisely mandated to prepare the East Timorese for independence. The mission planners' over-reliance on their experience in Kosovo, where they encountered difficulties in putting an end to hostilities amongst local parties in the post armed-conflict period, led to the adoption of centralised control and strict adherence to the principle of neutrality in relations with the local parties.[47] This, in return, left UNTAET poorly equipped with the capacity to cope with a range of

[45] Suhrke, 2001, p. 8; Goldstone, 2004, p. 84; Chesterman, 2001.
[46] Jarat Chopra, 2002, pp. 996-7; Dionisio Babo Soares, "Successes, Weaknesses and Challenges: A Critical Overview of the Political Transition in East Timor", *Council for Asia Europe Cooperation Conference, Comparing Experiences with State-building in Asia and Europe: The Cases of East Timor, Bosnia and Kosovo* (2001), p. 4, available via http://www.caec-asiaeurope.org/Conference/Publications/index.html [accessed 5 June 2006].
[47] Chesterman, 2001; Shurke, 2001; Goldstone, 2004; King's College London, 2002.

challenges and dilemmas that were specific to East Timor.[48] Designed as a peacekeeping mission aiming to end hostilities between former warring parties and respond to immediate humanitarian needs rather than a state-building mission, UNTAET, from the beginning, lacked the capacity to perform its institution-building and capacity-building tasks.

UNTAET's objectives, detailed in the Secretary-General's Report dated 4 October 1999, included a range of tasks: assisting and protecting the East Timorese people displaced or affected by the conflict, creating the basis for good governance, developing mechanisms for dialogue at the national and local levels, assisting in the drafting of a constitution, organising and conducting elections and building the institutional capacity for electoral process, undertaking confidence-building measures and providing support to indigenous initiatives and processes of social reconciliation, creating non-discriminatory and impartial institutional structures, particularly the judiciary and the police, promoting economic and social recovery and developing accountable, transparent and efficient administrative institutions.[49] The Report did not provide any strategic plan for achieving these goals but determined a very ambitious time-scale: "two to three years".[50] Given the scale of difficulties and challenges and availability of resources on the ground, this seemed an unrealistic time-frame. This time-scale set by the UN Secretariat reflected the Security Council's and donor countries' (un)willingness to provide support for East Timor.[51]

Unlike Kosovo where the UN shared the burden in re-building the war-shattered province of former Yugoslavia with regional organisations e.g. NATO, the EU and OSCE, UNTAET did not have the assistance of regional institutions in East Timor. The mission did not include a separate division responsible for institution-building although its mandate included the development of competent self-government institutions. These functions were assigned to the governance and public administration division. UNTAET consisted of three components:

[48] Goldstone, 2001, p. 85.
[49] United Nations, "Report of the Secretary-General on the Situation in East Timor", Security Council Document, S/1999/1024 (4 October 1999c), para. 29.
[50] Ibid., para. 27.
[51] Goldstone, 2004, p. 87.

(1) Governance and public administration including a civilian police (CivPol later renamed as UNPol) contingent of up to 1,640 officers: This pillar was tasked with restoring essential infrastructure, providing basic social services, recruiting civil servants and reviving trade and commerce in the short-run while overseeing the development of sustainable administrative structures and institutions at the central and local level,[52]

(2) Humanitarian assistance and emergency rehabilitation component: Responsible for providing and coordinating humanitarian and relief assistance, and meeting the immediate needs of the East Timorese people such as access to water, shelter, food relief as well as arranging the return of displaced people and refugees,[53]

(3) Military component: Responsible for the maintenance of law, order and security, it was the largest pillar (approximately 8,500 troops and military observers from 27 countries).[54]

In the light of this information, an analysis of the three aspects of the UN-led state-building undertaken during the transitional period, i.e. security-building, institution-building and capacity-building, will be conducted in the next section.

5.3.1. Security-Building

As discussed in Chapter 3, achieving the feeling of security by individuals facilitates their participation and confidence in the post-conflict reconstruction process. The provision of security through disarming, demobilising and reintegrating fighting factions into civilian life and developing security institutions capable of monopolising the use of legitimate force also contributes to the effective delivery of short-term humanitarian assistance and creating an environment conducive to long-

[52] United Nations, "Report of the Secretary-General on the United Nations Transitional Administration in East Timor", Security Council Document, S/2000/53, (26 January 2000), paras. 40-63.
[53] Ibid., paras. 29-39.
[54] Ibid., paras. 25-28.

term political, economic and social development.

5.3.1.1. Demilitarisation

The demilitarisation in East Timor, which included the disarmament, demobilisation and reintegration of former ex-guerrillas and militias, encountered many problems. Resolution 1272, which mandated UNTAET to govern and prepare East Timor for independence and democratic self-governance, did not address the issues of demilitarisation and the future status of FALINTIL. Poorly prepared to deal with former combatants, UNTAET was slow to address the question of the future of FALINTIL troops. Some 1,000-1,300 ex-guerrillas, who were cantoned in Aileu,[55] to the south of Dili, were left with no plan for demobilisation and little material support from late 1999 to February 2001.[56] Feeling marginalised and frustrated with the uncertainty over their future and poor physical conditions, FALINTIL fighters suffered from weakening cohesion and discipline problems.[57] A significant number of ex-guerrillas were reported to have departed from the cantonment site during the first half of 2000.[58] It was not until the threat of mutiny among FALINTIL's ranks which FALINTIL Supreme Commander and President of the National Council of Timorese Resistance (CNRT) Xanana Gusmão reported in June 2000 that UNTAET acted to address the question of the future status of FALINTIL.[59]

Subsequently, UNTAET and FALINTIL High Command agreed a disarmament, demobilisation and reintegration plan in January 2001. Although a number of weapons were collected, some FALINTIL members never surrendered

[55] Although FALINTIL High Command agreed to a single cantonment in Aileu following the arrival of the Australian-led multinational security force (International Force for East Timor, INTERFET) deployed to restore law and order in late-September 1999, guerrilla leaders rejected INTERFET's call for disarmament. See, "Gusmao Rejects Disarmament Call", *BBC World News*, (4 October 1999), available at http://news.bbc.co.uk/2/hi/asia-pacific/464931.stm [accessed 5 June 2006].
[56] Amnesty International, "The Democratic Republic of Timor-Leste: A New Police Service – A New Beginning", ASA 57/002/03, (2003), p. 21; Edward Rees, "Under Pressure FALINTIL – Forças de Defesa de Timor-Leste: Three Decades of Defence Force Development in Timor-Leste 1975-2004", *Geneva Centre for the Democratic Control of Armed Forces (DCAF) Working Paper*, No. 139, (Geneva: April 2004), pp. 45-6; International Crisis Group, "Resolving Timor-Leste's Crisis", Asia Report No. 120, (Jakarta / Brussels, 10 October 2006c), p. 5.
[57] Rees, 2004, p. 46. Referring to the cantonment conditions, Taur Matan Ruak, then vice-commander of FALINTIL, would later say in September 2006 that "we were treated like dogs". International Crisis Group, 2006c, p. 5.
[58] King's College London, 2002, para. 49.
[59] King's College London, 2002, para. 49; Rees, 2004, p. 46.

their weapons and the number of arms in circulation remained unknown.[60] The reintegration component of the plan envisioned the partial recruitment of former guerrillas into the newly-created defence force. The selection process, however, as will be discussed later, led to many problems. Those, who were excluded from recruitment into the defence force, acted as unofficial security groups and were reported to have been involved in robbery, extortion, and other crimes.[61]

With regard to militias, as noted earlier, militia violence was rapidly contained by the Australian-led multi-national force (INTERFET) deployed in late September 1999. By the time UNTAET peacekeepers fully assumed the security responsibility from INTERFET in February 2000, the security situation had stabilised throughout East Timor, the actual security work required of the international military force was mostly routine.[62] Efforts to disarm former militia members, however, remained inadequate. Those who took refuge in West Timor were never disarmed.[63] The threat of renewed militia violence was strongly felt in summer 2000, during which militia groups, based in the refugee camps in West Timor, launched a series cross-border attacks and infiltrated into East Timor.[64] Despite a significant decline in militia activity by July 2001 as a result of operations conducted by UNTAET and the Indonesian armed forces' efforts to disarm militias, militias and illegal cross-border trade and movement continued to pose a threat to security in East Timor throughout the transitional period.[65]

As for the return and repatriation of refugees, which constituted a significant component of the security-building efforts undertaken during the transitional period, as of October 2001, a total of 185,519 refugees returned to East Timor while still an

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[60] King's College London, 2002, para. 51.
[61] Elsina Wainwright, *New Neighbour, New Challenge: Australia and the Security of East Timor* (Canberra: Australian Strategic Policy Institute, May 2002), p. 12.
[62] James Cotton, *East Timor, Australia and Regional Order: Intervention and its Aftermath in Southeast Asia*, (London, New York: Routledge, 2004), p. 133.
[63] King's College London, 2002, para. 48; Rees, 2004, p. 46.
[64] In armed clashes between militia groups and UNTAET peacekeeping troops, two UN soldiers were killed in July and August 2000. United Nations, "Report of the Secretary-General", (16 January 2001), para. 10; Cotton, 2004, p. 133. In early-September 2000, three UNHCR (Office of the United Nations High Commissioner for Refugees) and 20 Timorese were murdered by militias in the refugee camp of Atambua in West Timor, leading to the evacuation of UN staff in West Timor. United Nations, "Interim Report of the Secretary-General on the United Nations Transitional Administration in East Timor", Security Council Document, S/2001/436, (2 May 2001), para. 17.
[65] United Nations, "Progress Report of the Secretary-General on the United Nations Transitional Administration in East Timor", S/2001/719, (24 July 2001c), para. 47-48.

estimated 60,000 to 80,000 were still residing in West Timor.[66] Although organised revenge against the returnees was eliminated thanks to conciliatory messages of Timorese political and religious leaders, cases of violence, illegal detention and threats against those suspected militia members were reported. These acts, carried out by unofficial security groups, often with links to FALINTIL or other political groups, as well as by others against refugees returning from Indonesia, were not effectively addressed by UNTAET and Timorese authorities.[67]

With regard to other sources of threat, sporadic incidents of violence which rapidly turned into larger clashes and house burnings in Baucau and Viqueque districts in March and May 2001 signalled the salience of potential communal or inter-party violence in East Timor, fuelled by poverty and unemployment.[68] The violent incidents in Baucau, in which members of an anti-UNTAET group, known as CPD-RDTL (Conselho de Defesa Popular da Republica Democrática de Timor Leste, Popular Council for the Defence of the Democratic Republic of East Timor),[69] and members of FALINTIL were involved, had clear political overtones.[70] This led many Timorese, traumatised by violent inter-party competition in the past, to associate multi-party politics with confrontation and violence.[71] It was against this backdrop that the Timorese security institutions were created by the international community as part of a comprehensive security sector reform.

5.3.1.2. Creation of the Timorese Defence Force

[66] United Nations, "Report of the Secretary-General on the United Nations Transitional Administration in East Timor (for the period from 25 July to 15 October 2001), Security Council Document, S/2001/983, (18 October 2001), para. 36.
[67] See for example, Amnesty International, "East Timor – Justice Past, Present and Future", ASA 57/001/2001, (27 July 2001), available at http://web.amnesty.org/library/pdf/ASA570012001ENGLISH/$File/ASA5700101.pdf [accessed 18 October 2006]; Idem, "East Timor", *Annual Report 2002: Covering events from January - December 2001*, available at http://web.amnesty.org/web/ar2002.nsf/asa/east+timor!Open#bottom [accessed 18 October 2006].
[68] United Nations, 2001b, paras. 19-20.
[69] Established as a political organisation in 1999, CPD-RDTL denounced the UNTAET-supervised political transitional process. They campaigned for an immediate return to the independent state proclaimed in 1975. For further information, see Pat Walsh, "East Timor's Political Parties and Groupings, Brief Notes", *Australian Council for Overseas Aid*, (April 2001).
[70] United Nations, 2001b, para. 20.
[71] United Nations, 2001c, para. 51.

Although initially the leaders of the Timorese resistance were in favour of a demilitarised East Timor but only a small gendarmerie with a limited budget,[72] later they called for an army. Two factors led to this policy shift: potential violence by former militias and disaffected former FALINTIL guerrillas in the post-UNTAET period.[73]

Based on Option III proposed by King's College London, which independently carried out a detailed assessment of the security sector options in East Timor between May and August 2000, by 2001 Timorese officials agreed to set up a limited army of 3,000 soldiers without the use of conscription; half would be made up of ex-FALINTIL guerrillas with the remainder being volunteer reservists.[74] FALINTIL was transformed into F-FDTL (FALINTIL-Defence Force of Timor-Leste or FALINTIL – Forças de Defesa de Timor-Leste in Portuguese) on 1 February 2001.[75] However, transforming FALINTIL from a clandestine organisation to a professional, depoliticised national defence force became a painful exercise that was hobbled by financial limitations and the exclusion of some former veterans from recruitment.

Treated as an internal matter of FALINTIL, the selection process for the new defence force was left to FALINTIL High Command, resulting in the admission of guerrillas and commanders with loyalties to Xanana Gusmão and his successor Taur Matan Ruak.[76] The creation of F-FDTL provided only one-third of some 1,900 former guerrillas with employment by July 2001.[77] The selection of younger, well-educated recruits to the Second Battalion based in Metinaro, to the east of Dili, was to be completed shortly afterward. Internal differences stemming from personal conflicts, ideological and political differences, and affiliations to particular

[72] Wainwright, 2002, p. 23, citing José Ramos-Horta.
[73] Ibid.
[74] The other two recommended options included the creation of an army of between 3,000 and 5,000 consisting of a core of former FALINTIL fighters with the remainder recruited from conscription or a force of 3,000 with half composed of of former FALINTIL fighters and the balance made up with conscripts. King's College London, "Independent Study on Security Force Options and Security Sector Reform for East Timor", (August 2000).
[75] See UNTAET Reg/2001/1 (31 January 2001), accessible via http://www.un.org/peace/etimor/untaetR/r-2001.htm [accessed 20 March 2006]; UN Doc. S/RES/1338 (2001).
[76] Rees, 2002, pp. 45, 47; King's College London, 2002, para. 56.
[77] United Nations, 2001c, para. 40. The first battalion initially based in Los Palos in Lautem district moved to Baucau in January 2006.

commanders affected the selection process. The recruitment of some former guerrillas from eastern districts caused discontent within the veteran community.[78] This led to the army being identified with the Firaku region.[79] The process led the excluded veterans to feel that their years of resistance and sacrifice had gone unacknowledged.

In addition to the exclusion of some veterans from the recruitment process, financial constraints harmed the development of the defence force, which was heavily dependent on international commitments and support. Funding shortfalls meant the formation of reserve battalions was indefinitely put on hold.[80] The result was the emergence of a number of armed gangs formed by ex-guerrillas who had been excluded from recruitment to the national defence force.

For those who were excluded from the process, FALINTIL Reinsertion Assistance Programme (FRAP) funded by the World Bank and USAID and implemented by the International Organisation for Migration (IOM), was initiated. Created to assist the social and economic reintegration of 1,308 former FALINTIL fighters, who were not recruited to the national defence force,[81] FRAP consisted of four stages: cantonment and registration, discharge and departure activities, reinsertion, and reintegration.[82] The listing of those eligible to receive FRAP benefits, which included the payment of the US$ 500 subsidy for a five-month period, assistance with establishing income-generating activities and vocational training, was also left to the FALINTIL High Command.[83]

The selection of FRAP beneficiaries caused discontent among those who were excluded from FRAP as well.[84] The FRAP programme ended in December 2001 and was not followed with supplementary measures to facilitate the longer term reintegration of veterans. UNTAET's failure to address the problems of former guerrillas negatively affected the reintegration process. It fuelled a growing sense of dissatisfaction within the veteran community and had an undermining effect on the

[78] Wainwright, 2002, p. 26.
[79] Dennis Shoesmith, "Timor-Leste Divided Leadership in a Semi-Presidential System", *Asian Survey*, 43: 2 (March / April 2003), p. 247.
[80] Wainwright, 2002, pp. 24-25; Rees, 2004, p. 27.
[81] John McCarthy, "FALINTIL Reinsertion Assistance Programme (FRAP) Final Evaluation Report", (Dili: International Organisation for Migration and USAID, June 2002), p. 9; Rees, 2004, p. 47.
[82] McCarthy, 2002, p. 133.
[83] McCarthy, 2002, pp. 36, 103.
[84] Rees, 2004, p. 48.

legitimacy of F-FDTL.

In addition to unresolved relations with former guerrillas and problems with recruitment procedures and availability of funding, the defence force also suffered from a number of institutional problems, including limited training facilities, poor living conditions, insufficient resources for communications and logistics, weaknesses in operational planning and policy guidance, low morale and uncertain respect for discipline, authority and professionalism.[85] Officers recruited from FALINTIL ranks were reported to have lacked professionalism under civilian control. Some F-FDTL officers were said to have appeared only to collect their pay packets.[86] Competition between Kaladi and Firaku officers continued as an important source of discontent. Allegations by Kaladi officers for discrimination in favour of Firaku never went away. The response of the F-FDTL High Command and the Timorese government was to deny such claims and discharge officers rather than investigating these issues. In December 2003 and January 2004 a small group of troops from Kaladi districts who had complained about regional discrimination were removed from the army.[87]

Regional schisms also affected the relations between the army and police service. While the former was perceived to have been dominated by Firaku officers, the latter was seen to have been composed principally of Kaladi officers.[88] Fluidity over their respective roles and responsibilities further complicated the relations between the two security institutions, contributing to their competitive development. F-FDTL is constitutionally responsible for the defence of "national independence, territorial integrity and the freedom and security of the populations against aggression or external threat".[89] However, the army increasingly became concerned with internal security issues following the growth of organised armed gangs formed by disgruntled veterans.[90] The increasing preoccupation of the army with internal

[85] United Nations, "Report of the Secretary-General on the United Nations Mission of Support in East Timor", Security Council Document, S/2004/333, (29 April 2004b), para. 7; Wainwright, 2002; pp. 23-25; Shoesmith, 2003, p. 248; Rees, 2004, pp. 32-33; 2003; President of Timor-Leste, "On the Findings of the Independent Inquiry Commission (IIC) for the FALINTIL-F", *Press Statement*, (Dili, 24 August 2004).
[86] Shoesmith, 2003, p. 248.
[87] Ibid., p. 32.
[88] Author's interview with an East Timorese academic, (Dili, February 2006).
[89] Constitution of the Democratic Republic of Timor-Leste, Section 146.2.
[90] Wainwright, 2002, p. 25.

security, in turn, raised questions on the accountability of the armed forces,[91] in other words, the issue of democratic control of F-FDTL by the civilian leadership. Despite the government's adoption of some key legislation on the two forces' respective roles, rivalry between the security institutions has continued in the post-independence period. For example, the government's reliance on the police rather than the F-FDTL for patrols of the border with Indonesia, which was agreed to be a non-militarised border with the Indonesian government, led to problems between the two institutions.

Frictions between the army and police service intensified when Rogério Lobato, who had been convicted for diamond smuggling in Angola in 1983, was appointed as Minister of Interior Affairs in May 2002.[92] Taking advantage of growing discontent within the veteran community and manipulating their anger against the police officers, who had served previously in the Indonesian police, Lobato built a strong support base amongst the dissident groups. Lobato's opportunistic and populist appeals, as will be discussed in the following section, contributed to the intensification of competition between the police and national defence force and had an undermining effect on the legitimacy of the two institutions.

All these challenges compounded and exploded in 2006 when the discharge of approximately 600 soldiers from Kaladi districts, equivalent to 40% of the army, triggered violence that brought the country nearly to the brink of civil war. The issues discussed above were all well-documented in UN reports,[93] academic papers[94] as well as in a presidential commission report.[95] Investigation and resolution of disciplinary problems, adoption of a participatory approach by the F-FDTL High Command and the government to address grievances within the army and disaffected veteran community, clarification of the roles and responsibilities of the security institutions, provision of equipment and facilities, and organisation of training and leadership programmes were repeatedly recommended to address these

[91] Ibid.
[92] Rees, 2004, p. 23.
[93] United Nations, 2004a.
[94] Wainwright, 2002; Shoesmith, 2003; Rees, 2004; Alex J. Bellamy, "Security Sector Reform: Prospects and Problems", *Global Change, Peace and Security*, 15:2 (June 2003), pp. 101-119.
[95] President of Timor-Leste, 2004.

problems.[96] The UN and Timorese leaders, however, failed to address these issues and take the necessary measures in a timely manner.

5.3.1.3. Creation of the Timorese Police Service

Established in March 2000 with the opening of the Police Academy, the Timorese police service, like F-FDTL, was an externally-designed security-building project. UNTAET's civilian police (UNPol),[97] responsible for maintaining law and order, was entrusted to build the Timorese police force with a planned overall strength of 3,000. Having completed three months of special training (later expanded to six months) in July 2000, the first graduates of the Police Academy were deployed to the field to receive on-the-job training from UNPol, which retained its executive authority over the Timorese police in the post-independence era. Some 1,800 Timorese officers were recruited and trained by UN police officers by the date of the country's independence.[98]

However, facing a number of difficulties, the Timorese Police (PNTL, Polícia Nacional Timor Leste or National Police of Timor Leste) remained a fragile and underdeveloped institution which was not adequately prepared and equipped to maintain law and order in a manner consistent with international human rights standards.[99] Inadequate resources, equipment, infrastructure and facilities needed for an effective police force, limited professional skills and experience in investigation, legal proceedings and administration as well as a lack of professional expertise in management positions were among the factors that constrained the development of the Timorese police service as an effective and professional institution.[100] Insufficient field and in-service training especially in human rights standards provided by UNPol, low pay rates, lack of clarity on the role and responsibility of the

[96] Wainwright, 2002; Rees, 2004; Shoesmith, 2003; Bellamy, 2003.
[97] As of mid-July 2001, UN civilian police stood at strength of 1,419 officers. United Nations, 2001c, para. 33.
[98] Amnesty International, "Timor-Leste: Briefing to Security Council Members on Policing and Security in Timor Leste", AI Index: ASA 57/001/2003, (6 March 2003a), p.1. Reaching a total strength of 3,024 officers, by January 2004 PNTL assumed full operational command over law enforcement throughout the country while a small group of 200 UNPol officers served as technical advisers. United Nations, "Special Report of the Secretary-General on the United Nations Mission of Support in East Timor", S/2004/117, (13 February 2004a), para. 35.
[99] Amnesty International, 2003a, p. 1.
[100] Wainwright, 2002, p. 22.

military and police, and ineffective accountability structures to oversee the exercise of powers by the police further aggravated the problems with the institutional development of PNTL.[101]

In addition to these difficulties, the Timorese police service suffered from credibility and legitimacy problems resulting from the manner in which it was created. The recruitment of former officers who served with the Indonesian police led to discontent within the veteran community especially amongst those, who were excluded from the recruitment into the military. Approximately 12% of PNTL officers (a total of over 300 persons), mostly in senior positions, had served during Indonesian rule.[102] UNTAET justified the selection of former Polri (Kepolisian Republik Indonesia or Police of the Republic of Indonesia) officers into the PNTL on the need for experienced senior police officers with a "clean" record. The vetting process undertaken by the senior leadership of the pro-independence umbrella organisation (CNRT) and many of former Polri officers absorbed into PNTL were reported to have participated in the clandestine resistance movement during the Indonesian period.[103] This, however, did not satisfy dissidents in FRETILIN and disgruntled ex-FALINTIL guerrillas.

The recruitment of former Polri officers became dangerously politicised as disaffected ex-combatants and members of clandestine resistance networks clustered around some political figures,[104]such as former Minister of Interior Affairs, Rogério Lobato, who did not hesitate to manipulate the situation to increase his political power. In September 2002, Lobato demanded the recruitment of some 500 former guerrillas to PNTL. This led to a clash between Lobato and Police Service Chief Paulo Fátima Martins, himself employed in Polri.[105] Martins rejected Lobato's order, leading to protests and attacks on the police in November 2002. In response to the killing of one protestor by the police, Gusmão demanded that the government

[101] Amnesty International, "The Democratic Republic of Timor-Leste: A New Police Service – A New Beginning", ASA 57/002/03, (2003c), pp. 22-33.
[102] Amnesty International, 2003c, p. 20; Edward Rees, "The UN's Failure to Integrate FALINTIL Veterans May Cause East Timor to Fail," *On Line Opinion*, (2 September 2003) available at http://www.onlineopinion.com.au/view.asp?article=666 [accessed 5 May 2006]; Idem, "Under Pressure", p. 52.
[103] Amnesty International, 2003c, p. 20; Rees, 2004, p. 52.
[104] Amnesty International, 2003c, p. 21.
[105] Shoesmith, 2003, p. 250.

dismiss Lobato from the cabinet.[106] This request was declined by Prime Minister Mari Alkatiri, sparking a political crisis followed by the outbreak of violence in Dili in early December, only six months after UNTAET had handed over power to the Timorese government.[107]

The riots, which began as a student demonstration on 4 December 2002 against the arrest of a youth by the East Timorese police, rapidly turned into an organised protest against the Alkatiri government. Several buildings, including Alkatiri's house, were burned down and an Australian-owned supermarket was looted by an angry crowd. The Timorese police service, operating under the authority of the UN police (UNPol), failed to control the situation, prompting the government's appeal for UN peacekeepers and national defence forces to restore order. As a solution to reduce the tension, the recruitment of 150 former FALINTIL members into the police service was agreed.[108] This, however, as Edward Rees points out, opened the door for politicised recruitment to the police service rather than on the basis of qualifications and education.[109]

The December 2002 riots demonstrated the salience of power struggles among the Timorese leaders and its implications for the country's newly established institutions. As will be discussed later, a semi-presidential system was adopted in the country. The constitutional principle of the separation of powers between president and prime minister which aims to prevent the abuse or concentration of powers in the hands of one single actor requires a collaborative relationship between the two.[110] In the case of Timor-Leste, these two positions were occupied by two "political opponents, perhaps even political enemies" – Xanana Gusmão and Mari Alkatiri.[111] Due to the long-standing antagonism between the two figures, the semi-presidential system in the country fuelled a power struggle within the Timorese political leadership.[112] This, in turn, hampered the professional and efficient development of the security institutions.

[106] Ibid; Rees, 2004, p. 53.
[107] Rees, 2004, pp. 51-54; Idem, 2003; Shoesmith, 2003, pp. 249-250.
[108] Amnesty International, 2003, p. 21.
[109] Rees, 2004, p. 54.
[110] Shoesmith, 2003, p. 232.
[111] Ibid.
[112] Ibid.

The national army is constitutionally under the command of the President while powers over expenditure and policy are held by the government and the Parliament. Although the President has symbolic powers, the army was identified with former FALINTIL Gusmão, who became the country's first President in April 2002. By law, the police operate under the government through the Ministry of Interior Affairs, headed by Rogerio Lobato until June 2006. The Minister is responsible for "general policy" on police.[113] However, what exactly this involves remained unclear and the Ministry of Interior Affairs exercised "no real capacity for police development".[114]

Rivalries between the Timorese political leaders led to the development of the security institutions as rival agencies. Members of F-FDTL criticised the capacity of the police in law enforcement and were involved in law enforcement.[115] In Ermera district in January 2003, for example, F-FDTL arrested 90 people, including women and children, following an attack by an armed group in which five people were killed.[116] The event indicated a blurring of the responsibility and authority of the army and police and the tendency of the army that they have the right to interfere in the internal security of the country because the police service has no capacity.[117]

There have also been a number of instances of clashes between the defence force and police reported since the year 2002. In November 2002, for example, F-FDTL officers were reported to have attacked traffic police, seriously injuring two of them.[118] In January 2004, members of F-FDTL were involved in a confrontation with PNTL in Los Palos and detained a number of police officers.[119] In December of the same year, a group of F FDTL soldiers attacked a PNTL station where a sergeant in the armed forces had been detained and allegedly mistreated.[120] These incidents prompted senior government officials to call for a coordinated effort to resolve the

[113] Amnesty International, 2003, p. 8.
[114] Ibid.
[115] Eirin Mobekk, "Law-Enforcement: Creating and Maintaining A Police Service in a Post-Conflict Society – Problems and Pitfalls", *Geneva Centre for the Democratic Control of Armed Forces (DCAF) Working Paper*, 127, (Geneva, November 2003), p. 21.
[116] Ibid; Rees, 2004, p. 21.
[117] Mobekk, 2003, p. 21.
[118] Shoesmith, 2003, p. 249.
[119] UN, 2004b, para. 7; US Department of State, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices – 2004: East Timor", (Washington DC, 28 February 2005), http://www.state.gov/g/drl/rls/hrrpt/2004/41641.htm [accessed 5 May 2007].
[120] US Department of State, 2005.

issues between the police and the armed forces. “The only concrete actions” that the Timorese leadership took towards this aim included “a series of high-profile goodwill meetings and a soccer game between the [police] and the [army], in which the President served as referee”.[121] Tensions between the two security institutions increased and the most tragic incidents took place during the violent events in late-May 2006. As noted earlier, F-FDTL soldiers killed nine unarmed PNTL officers, who were under UN protection.[122] The events were followed by the deployment of international troops from Australia, New Zealand and Malaysia to restore law and order and rebuild the disintegrated security structures.

5.3.2. Institution-Building

As noted in Chapter 3, which provides the analytical framework for investigating the international community’s involvement in state-building in Timor-Leste and Kosovo, institution-building during the transitional period entails the establishment of effective legislative, executive, judicial and bureaucratic structures. The undertaking of these efforts requires the adoption of a participatory approach with a view to setting a good model for democratic government in places, where democratic rule was never practised before, and creating a sense of ‘ownership’ of externally-introduced concepts, projects and systems by the local population. Several important challenges and problems encountered in East Timor during this process would have serious implications for the prospect of democratic transition in the country.

As mentioned earlier, designed as a peacekeeping rather than a state-building mission, UNTAET was concerned with avoiding the short-term risk of failure and open conflict with factions[123] and with completing the mission as soon as possible.[124] Two assumptions affected the adoption of the peacekeeping model, which required a centralised approach. One was the threat of resumption of violence between parties and the other was that there was a political vacuum in East Timor following the withdrawal of the Indonesian government.

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[121] Ibid.
[122] Independent Special Commission of Inquiry for Timor-Leste, 2006, p. 7.
[123] Beauvais, 2001, p. 1116.
[124] Suhrke, 2001, p. 2.

Regarding the first assumption, as noted earlier, by the time UNTAET arrived in East Timor, the Australian-led multinational force took control of security throughout the territory and most of militias fled to West Timor. There was a risk of renewed militia violence through cross-border attacks and incursions from West Timor. Overcoming this threat was dependent on the capacity to convince the Indonesian government to cooperate with UNTAET to disarm the militias and initiate a sustainable return process for the displaced East Timorese in West Timor.

The second assumption, that there was a political vacuum in East Timor, did not exactly reflect the situation on the ground. Despite the emergence of a legal and administrative vacuum resulting from the mass destruction of the physical infrastructure and collapse of formal government structures following the militia violence and subsequent dissolution of Indonesian administration, East Timor was not "a political no man's land".[125] It was not a place where there were no prior concepts of political authority, social structures and power systems that the population had just to be "taught" democracy.[126] To the contrary, traditional social and political power structures still existed. Hierarchical kinship and exchange relations, which, as noted earlier, formed the basis of the Timorese local power structures and political organisation and survived centuries of Portuguese colonial rule and over two decades of Indonesian occupation. The traditional Timorese society, characterised by the division of political authority and ritual authority, differs from Western societies where the powers of judiciary, legislature and executive powers are separated.[127] The "highest family", believed to have arrived first on the land, is treated as ritual authority, connected to the value of fertility and to the ancestors.[128] Political authority which deals with conflict resolution and defending borders is conducted by a specific person coming from the second family in the hierarchical order. He is recognised as a single power with an unchallenged decision-making authority.[129] In such a social system, there is no room for

[125] Chopra, 2002, p. 981.
[126] Tanja Hohe, "The Clash of Paradigms: International Administration and Local Political Legitimacy in East Timor", *Contemporary Southeast Asia*, 24:3 (December 2002), p. 570.
[127] Ibid., p. 572; Idem, "Delivering Feudal Democracy in East Timor", Edward Newman and Roland Rich (eds.), *The UN Role in Promoting Democracy: Between Ideals and Reality*, (Tokyo, New York, Paris: United Nations University Press, 2004), p. 304.
[128] Hohe, 2004; 304; Idem, 2002, p. 573.
[129] Hohe 2004, p. 305.

opposition, which can only exist between different political rulers such as between neighbouring kingdoms.[130] Although the old *liurais* system was abolished by Indonesia, most of former Timorese kings, who were elected by villagers in accordance with the traditional power structure, turned into village chiefs or sub-district leaders and retained their authority.[131]

Therefore, given the fact that neither the Portuguese nor Indonesians managed to destruct those old power structures, they had to be taken into consideration and incorporated into the new system to be introduced from the outside. Otherwise, any institutional project to build a viable liberal democratic state in Timor-Leste, Dionisio Babo-Soares, Co-chair of the Truth and Friendship Commission with Indonesia, argued, would be "doomed to failure".[132]

Another important point that needs mentioning is that although there was no sovereign government in East Timor at the time UNTAET was deployed, the pro-independence umbrella organisation, CNRT, whose flag was used as the symbol of independence on the 30 August 1999 popular consultation ballot paper,[133] existed as a potential partner. Consisting of all pro-independence political parties, civil society groups and individuals, it had "considerable de facto legitimacy" in the eyes of the people.[134] However, since the 1999 vote was not held for CNRT as the government but for independence, UNTAET treated CNRT as a "faction" rather than a legitimate partner representing the Timorese people.[135] Therefore, it had to be kept at distance. UNTAET's reluctance to share power with CNRT, however, not only caused resentment on the side of local actors but also contributed to the dissolution of CNRT, which was facing internal differences, divisions and power struggles that

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[130] Ibid.
[131] Ibid., p. 305; Idem, 2004, pp. 574-576.
[132] Interview with Dionisio Babo Soares, (Dili, 10 February 2006). For a discussion of the survival and evolution of traditional social organisations in the aftermath of the disintegration of formal governing institutions, see also Jarat Chopra and Tanja Hohe, "Participatory Intervention", *Global Governance*, 10: 3 (July-September 2004), pp. 289-305. For a discussion of international state-builders' failure to understand the pre-existing local concepts, ideas, systems and structures, and integrate them into the newly created formal structures transferred from the outside, see Sofi Ospina and Tanja Hohe, *Traditional Power Structures and the Community Empowerment and Local Governance Project*, (Dili, September 2001); Tanja Hohe, "Justice Without Judiciary in East Timor", *Conflict, Security & Development*, 3:3 (December 2003), pp. 335-357.
[133] The ballot paper used during the popular consultation can be found at http://www.un.org/peace/etimor99/POSTERS/ballot.pdf [accessed 15 March 2006].
[134] Goldstone, 2004, p. 85.
[135] Suhrke, 2001, p. 8; Chopra, 2002, pp. 996-7.

came into existence following the disappearance of a common enemy.

Until the Constituent Assembly elections in August 2001 and the subsequent formation of the first all-Timorese cabinet, de Mello, who acted as the transitional administrator, retained all legislative, executive and judicial powers. In December 1999, a non-elected fifteen-member advisory body, known as the National Consultative Council (NCC), was established.[136] It was designed as a small advisory body to facilitate swift decision-making during the emergency phase because UNTAET believed that only centralised control could lead to operational and institutional efficiency.[137]

In this context, it is important to note that similar to the local pro-independence umbrella organisation (CNRT), UNTAET, which was established to supervise East Timor's transition to independence, was not a unified organisation either. It was facing internal divisions, arising from differences of opinion regarding the political reconstruction of the territory. Jarat Chopra, Head of Office of District Administration, for example, resigned from his post in March 2000 to protest UNTAET's failure to consult with district administrators over the issues that directly affected them. Chopra was in favour of a decentralised approach at the local administration level. Under increasing internal criticisms for UNTAET's reluctance to share decision-making powers with the Timorese as well as external pressure put by local Timorese leaders for a more inclusive and participatory mechanism, Sergio de Mello proposed a 'co-governance' model in July 2000. Responsible for administering the territory during the transitional period leading up to the adoption of a constitution and establishment of a democratically elected government, a mixed cabinet with four Timorese ministers was set up.[138] Along with the cabinet an

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[136] Chaired by de Mello, NCC consisted of seven Timorese representatives from the CNRT, three from other political groups, one from the church, and three UNTAET staff. UNTAET/REG/1999/2, (2 December 1999) can be found at http://www.un.org/peace/etimor/untaetR/etreg2.htm [accessed 10 March 2006].

[137] Paulo Gorjão, "The Legacy and Lessons of the United Nations Transitional Administration in East Timor" , *Contemporary Southeast Asia*, 24:2 (August 2002), p. 318.

[138] See UNTAET/REG/2000/23, (14 July 2000), which is accessible via http://www.un.org/peace/etimor/untaetR/r-2000.htm [accessed 12 March 2005]. The portfolios designated to the Timorese were Internal Administration, Infrastructure, Social Affairs, and Financial Affairs. International members occupied the Police and Emergency Services, Justice, Political Affairs, and Finance portfolios. See, UNTAET Daily Press Briefing, (17 July 2000) available at http://www.un.org/peace/etimor/DB/DB170700.HTM [accessed 13 March 2006]. See, also United Nations, "Report of the Secretary-General on the United Nations Transitional Administration in East Timor", S/2000/738, (26 July 2000). On 19 October 2001, the Foreign Affairs portfolio was added to

enlarged non-elected legislative body, the National Council (NC) which consisted of thirty three members (all East Timorese), to be appointed by the transitional administrator, was also created.[139]

Although the creation of the NC and the cabinet provided Timorese leaders with some voice in the transitional governing structures, these two bodies served as forums rather than transferring any authority to local political actors. Sergio de Mello retained ultimate power. UNTAET's reluctance to share power with local parties, its limited capacity to deliver basic services and tangible reconstruction results, and the glaring contrast between the wealth of international staff and ordinary people[140] fuelled resentment against UNTAET. In October 2000, Xanana Gusmão expressed this collective frustration by arguing that the Timorese experience of the UN presence was limited to watching hundreds of white four-wheel-drive vehicles driving around Dili and receiving a series of regulations passed by the transitional administrator.[141] This growing resentment, which stagnated relations between UNTAET and local Timorese political leaders, as well as UNTAET's search for an 'exit strategy' led the international state-builders to conceive the organisation of the Constituent Assembly election as a solution to revitalise the process and serve as an exit strategy.

Sixteen parties, most of which were not widely known by the people, were registered with the Election Commission.[142] All but two parties signed the "Pact of National Unity", which obliged the signatories to commit themselves to supporting, observing and disseminating the principle of non-violence and to unconditional acceptance of the 30 August 1999 popular consultation results, and to respecting the results of the elections for a Constituent Assembly.[143] For many East Timorese, who

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the cabinet and Mr. José Ramos-Horta was sworn in as the Minister of Foreign Affairs. See, UNTAET Daily Press Briefing (19 October 2000), http://www.un.org/peace/etimor/DB/DB191000.HTM [accessed 13 March 2006].

[139] See, UNTAET/REG/2000/24, (17 July 2000), available at http://www0.un.org/peace/etimor/untaetR/Reg2400E.pdf [accessed 12 March 2006]. The membership was expanded to thirty six in October 2000. The council was composed of thirteen members from political parties, thirteen district representatives, seven from civil society organizations and three from religious groups. See, UNTAET/REG/2000/33, (26 October 2000), available at http://www.un.org/peace/etimor/untaetR/reg200033.pdf [accessed 12 March 2006].

[140] Chopra, 2000, p. 34; Beauvais, 2001, pp. 1124-5.

[141] Chesterman, 2005, p. 140.

[142] United Nations, 2001c, para. 2.

[143] Laying out a set of principles relating to the outcome of the Constituent Assembly elections, the Pact of National Unity was adopted at the CNRT congress in August 2000 when FRETILIN and UDT

were traumatised by the 1975 civil war and the post-ballot violence in September 1999, the principle of national unity and multi-party competition meant a contradiction and involved a potential threat of conflict. As noted earlier, the 1975 civil war, which broke out as a result of a fierce competition for power between FRETILIN and UDT, cost the lives of at least 1,500 people. The militia violence, which erupted following the announcement of the UN-sponsored independence referendum, led to the death of many people and displacement of the two-thirds of the territory's population.

The results of a survey conducted by the Asia Foundation prior to the election tend to confirm this observation. When asked whether or not political party competition is a 'good' or 'bad' thing, 54% of respondents considered it a bad thing or did not answer the question.[144] Some 64% of those who indicated political party competition a bad thing explained it by citing the potential for conflict and riots while 43% felt that competitive multi-party elections would confuse the people.[145] This negativity does not necessarily suggest that the East Timorese people were pessimistic about the idea of democratic politics and government. According to the results of another opinion poll conducted by the International Republican Institute (IRI) with 1,561 East Timorese in October 2003, some 68% of respondents reported that they were either "optimistic" or "very optimistic" that democracy would reform their country and help to solve the problems they face.[146] In fact, the high turnout (91.4%) in the Constituent Assembly elections tends to support their confidence in the democratic political process and its capacity to address the country's problems. However, it is important to note that the IRI poll, which reflected the continued division of opinion on the issue of competition of political parties, also revealed that the persistence of negativity towards the notion of political contestation. While some 46% of respondents indicated that competition among political parties is a 'bad' thing, 45% reported that it is a 'good' thing.[147]

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withdrew from CNRT.

[144] Asian Foundation, *East Timor National Survey of Voter Education (Preliminary Findings)*, (Dili, May 2001), p. 33.

[145] Ibid., p. 35.

[146] International Republican Institute, 2003, p. 9.

[147] Ibid., p. 22.

The results of the two surveys, in this respect, can be read as highlighting the East Timorese people's sympathy with practising participatory and inclusive aspects of democratic politics and their concern with implementing its competitive or potentially conflictual aspects and their implications for the territory's political stability and development. These issues, however, were not seriously addressed during the transitional administration period. While the UN was busy with devising an exit strategy through organising the first free and fair elections in the territory's history, most of the East Timorese people and their political leaders, as José Ramos-Horta would later during the 2006 crisis admit, were "in a hurry to see the backs of the UN".[148]

Based on a mixture of district plurality and proportional representation,[149] the election of the 88-member Constituent Assembly was held on 30 August 2001. Approximately 91% of eligible voters participated in the election[150] and twelve political parties and one independent candidate won seats. FRETILIN, the leading resistance movement party won 12 of the 13 district seats and received 57.3% of the votes, corresponding to 43 seats in the Assembly. Although the percentage of votes gained by FRETILIN fell short of party secretary-general Mari Alkatiri's pre-election prediction for gaining 80% of votes, FRETILIN's success was not unexpected,[151] even though the international community was somewhat taken by surprise.[152] Two factors contributed to FRETILIN's success: its effective strong grassroots organisation, and the emphasis FRETILIN leaders put on the party's historic role during the election campaign. FRETILIN effectively won back the grassroots by organising representatives at all levels from hamlet to the national level even when it was still part of the CNRT, which officially dissolved in June 2001.[153]

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[148] "Timor Leste's Police Are Very Factionalized", Interview with José Ramos Horta, *Jakarta Post*, (16 June 2006) [cited as Jakarta Post, 2006].

[149] 13 representatives were elected from each district (Lautem, Baucau, Viqueque, Manatuto, Dili, Aileu, Manufahi, Liquiça, Ermera, Ainaro, Bobonaro, Cova Lima and Oecussi) on majority basis and the remaining 75 seats were divided on national proportional representation. UNTAET/REG/2001/2 (16 March 2001), Section 4.1., available at http://www.un.org/peace/etimor/untaetR/r-2001.htm [accessed 25 March 2006].

[150] United Nations, 2001e, para. 5.

[151] King, 2003, p. 750; Lurdes Silva-Carneiro de Sousa, "Some Facts and Comments on the East Timor 2001 Constituent Assembly Election", *Lusotopie*, (2001), p. 309.

[152] Tanja Hohe, "Delivering Feudal Democracy in East Timor", Edward Newman and Roland Rich (eds.), *The UN Role in Promoting Democracy: Between Ideals and Reality*, (Tokyo, New York, Paris: United Nations University Press, 2004), p. 314.

[153] Hohe, 2004, p. 308; James J. Fox, "A District Analysis of the East Timorese Constituent Assembly

Political Party / Independent Candidate	*National*			*District Seats*	*Total Seats*
	Votes	*Percentage*	*Seats*		
Fretilin - Revolutionary Front for an Independent East Timor	208,531	57.37	43	12	55
PD - Democratic Party	31,680	8.72	7	-	7
PSD - Social Democratic Party	29,726	8.18	6	-	6
ASDT - Timorese Social Democratic Association	28,495	7.84	6	-	6
PNT - Timorese Nationalist Party	8,035	2.21	2	-	2
PDC - Christian Democratic Party	7,181	1.98	2	-	2
UDT - Timorese Democratic Union	8,581	2.36	2	-	2
KOTA - Association of Timorese Heroes	7,735	2.13	2	-	2
PPT - Timorese People's Party	7,322	2.01	2	-	2
UDC/PDC - Timor's Christian Democratic Party	2,413	0.66	1	-	1
PST - Socialist Party of Timor	6,483	1.78	1	-	1
PL - Liberal Party	4,013	1.10	1	-	1
Apodeti - Timorese Popular Democratic Assosciation	2,181	0.60	-	-	-
Parentil - National Republic Party of East Timor	1,970	0.54	-	-	-
PTT - Timorese Labour Party	2,026	0.56	-	-	-
PDM - Democratic Maubere Party	1,788	0.40		-	-
District Independent Candidate (Oecussi)	-	-	-	1	1
Independent Candidates	5,341	1.47	-	-	-
Total	363,501	100.00%	75	13	88

Table 5.1. The Constituent Assembly Election Results (Sources: Dwight King, "East Timor's Founding Elections and Emerging Party System," *Asian Survey*, 43:5 (September / October 2003), Lurdes Silva-Carneiro de Sousa, "Some Facts and Comments on the East Timor 2001 Constituent Assembly Election", Lusotopie, (2001), Pat Walsh, "East Timor's Political Parties and Groupings, Brief Notes", *Australian Council for Overseas Aid*, (April 2001), UNTAET Daily Press Briefing, 6 September 2001)

The results of the election, which displayed the victory of the FRETILIN 'family' parties,[154] revealed an inter-generational gap and inter-regional cleavage.[155] The two parties which won seats in the Assembly – Timorese Social Democratic Association (ASDT), and Democratic Party (PD) – were formed by former FRETILIN members. PD, which was established two months before the election by former student activist Fernando Araujo, attracted the sympathy of the educated urban youth who felt that their contributions to the resistance movement were not recognised by the returned exiles.[156] PD gained the votes of those educated under Indonesia, who felt marginalised by the choice of Portuguese as the official language by the old Timorese leaders. ASDT, headed by Francisco Javier do Amaral, former

and Presidential Elections 2001-2002", Dionisio Babo Soares *et al.*, *Elections and Constitution Making in East Timor*, (Canberra: State, Society and Governance in Melanesia Project, Australian National University, 2003), p. 17.

[154] de Sousa, 2001, p. 309.

[155] King, 2003, pp. 753-5.

[156] Ibid., p. 755; Shoesmith, 2003, p. 242; de Sousa, 2001, p. 309.

FRETILIN leader who became East Timor's President in 1975, had the support of disaffected veterans and radicals who were organised under the CPD-RDTL, established as a political organisation in opposition to the UN-led transition process. The latter rejected UNTAET and called for the immediate restoration of the original Democratic Republic of Timor-Leste proclaimed in 1975 and the adoption of a set of early symbols including the previous FRETILIN flag.[157] The regional cleavage also influenced the voting support for FRETILIN (higher in eastern districts) and ASDT (higher in western districts).[158]

The Constituent Assembly, which transformed itself into East Timor's first parliament upon the adoption of the Constitution,[159] approved the draft Constitution modelled on the 1989 Portuguese and 1990 Mozambique Constitution on 22 March 2002.[160] Except for a few modifications such as the recognition of Tetum as the official language of the nation alongside Portuguese, the Constitution did not differ much from the one drafted by Fretilin in 1998,[161] even though more than 38,000 Timorese people were consulted at 212 constitutional hearings held in 13 districts between June and July 2001.[162]

Four separate and interdependent "organs of sovereignty" were created by the Constitution: the President of the Republic, the National Parliament, the Government and the Judiciary.

The President: East Timor adopted a semi-presidential system in which the head of state, the President, is not in charge of the government, but is elected by direct universal suffrage for a term of office of five years, renewable only once.[163]

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[157] Dwight King, "East Timor's Founding Elections and Emerging Party System", *Asian Survey*, 43:5 (September / October 2003), p. 752; Fox, 2003, p. 18.
[158] King, 2003, p. 753.
[159] As per Article 2.6 of the UNTAET/REG/2001/2, (16 March 2001), the Constituent Assembly had the option to transform itself into "the legislature of an independent East Timor, if so provided in the Constitution". See the Constitution, Section 167.1. The measure to turn the Constituent Assembly into a fully fledged legislature was passed with 65 votes in favour, 16 against, two abstentions and five absent. See, UNTAET Daily Press Briefing, (1 January 2002), available at http://www.un.org/peace/etimor/DB/db310102.htm [accessed 28 March 2006].
[160] Hilary Charlesworth, "The Constitution of East Timor", *International Journal of Constitutional Law*, 1:2 (2003), p. 328.
[161] Ibid.
[162] Executive summary of the constitutional hearings is available at http://www.un.org/peace/etimor/DB/db190901.htm [accessed 5 April 2006].
[163] Constitution of Democratic Republic of Timor-Leste, Sections 75.1 and 75.2.

The President's powers and functions, which are largely ceremonial, include appointing the leader of the majority party or majority coalition as prime minister. Viewed as "the symbol and guarantor of national independence" the President is entrusted with different functions and appointments. Although the President is vested with the ultimate power to dismiss the Parliament and government, in practice most of the executive powers is held by the Prime Minister. The choice of such a semi-presidential system, in which executive power is concentrated in the prime minister and the cabinet, was actually the result of decades-old rivalry between former FALINTIL commander Xanana Gusmão and FRETILIN secretary-general Mari Alkatiri, and the latter's calculation that the former would be elected as the President in the 2002 presidential election.[164]

The National Parliament: Designed to provide the government with an institutional and operational framework to rule the country in a manner consistent with democratic principles, which include political participation, accountability, transparency and respect for human rights, Timor-Leste's Parliament is made up of representatives of all Timorese citizens elected for a five-year term.[165] Parliament's exclusive legislative competencies include a number of areas ranging from citizenship, rights, freedoms and guarantees, tax policy, budget system, education, health and security policies, amending territorial divisions and national symbols.[166] The Parliament, which is in charge of deliberating and approving the state budget and monitoring its execution,[167] can authorise the government to make decrees on a number of areas including the definition of crimes, sentences and security measures, organisation of the judiciary, monetary system, banking and financial system, and civic or military service.[168]

The Government: Headed by a prime minister, the government which is the "supreme organ of the public administration"[169] includes the Ministers and the

[164] Xanana Gusmão was elected on 14 April 2002. Contesting against Francisco Xavier do Amaral, who proclaimed the declaration of independence on 28 November 1975, Gusmão gained 82.7 per cent of the valid votes. UNTAET Daily Press Briefing, (17 April 2002), available at http://www.un.org/peace/etimor/DB/db170402.htm [accessed 5 April 2006].
[165] Constitution of Democratic Republic of Timor-Leste, Section 93. 4.
[166] *Ibid.*, Section, 95.2.
[167] *Ibid.*, Section 95.3.
[168] *Ibid.*, Section 96.1.
[169] *Ibid.*, Section 103.

Secretaries of State. Accountable to the President and the Parliament,[170] the government's competencies include defining and conducting the domestic and foreign policy of the country, ensuring public order and social discipline, preparing the state budget and executing it following its approval by the Parliament, and administering the social and economic sectors.[171] As of mid-April 2002, just before independence, the Timorese public service consisted of approximately 11,000 civil servants against 15,000 approved posts, most of which were at the lower ranks. Fewer than 50% of management positions were filled by the Timorese.[172]

The Judiciary: Responsible for the administration of justice, the judiciary is composed of three categories of courts provided by the constitution: the Supreme Court of Justice and other courts of law, the High Administrative, Tax and Audit Court and other administrative courts of first instance, and Military Courts.[173] Due to the lack of qualified local personnel, none of these bodies were yet to be established. The justice sector was particularly weak during the transitional period and enhancing the institutional capacity of the judiciary remained a challenge throughout the post-independence era. The factors that led to the weakness of the justice sector will be discussed in the following section.

5.3.3. Capacity-Building

As noted earlier, UNTAET was not only mandated to construct democratic government institutions but also to develop local capacities needed to run these institutions. However, from the outset, UNTAET did not have a clear strategy to build local institutional capacity in the context of post-conflict state-building. It was designed as a mission heavily dependent on international staff and externally-driven solutions, focusing on achieving quick results in the short-term.

Large-scale destruction of the territory and withdrawal of some 7,000 Indonesian civil servants during the events surrounding the 30 August 1999 referendum led to the treatment of East Timor as a social *terra nullis* – an 'empty place' where everything had to be brought in from the outside and everything had to

[170] *Ibid*., Section 107.
[171] Ibid., Section 115.1.
[172] United Nations, "Report of the Secretary-General on the United Nations Transitional Administration in East Timor", S/2002/432, (17 April 2002), para. 13.
[173] Constitution of Democratic Republic of Timor-Leste, Section 123.1.

be built from scratch. Although there was a shortage of skills at the managerial level due to the fact that these positions had mostly been filled by the Indonesians, who left the territory in the post-referendum period, there was no such shortage at lower levels in public administration.[174]

However, UNTAET did too little to identify and build upon existing local capacities.[175] After six months of its existence, UNTAET had not conducted a national skills audit or initiated a meaningful employment policy for local Timorese in the public administration.[176] UNTAET's approach to capacity building in public administration was based on importing international staff from the outside to perform public services and recruiting a separate Timorese civil service rather than integrating the East Timorese personnel into the transitional structure.[177] This, in turn, not only limited employment opportunities for local Timorese but also hampered the possibilities for administrative experience and training for local personnel, who would eventually take over from the UNTAET.[178] Except for a few individuals with short-term contacts, there were almost no Timorese in the rapidly growing UN administrative bureaucracy during the first six months of the mission.[179]

The assumption behind the creation of an administrative bureaucracy filled by well-paid international personnel[180] was that while carrying out civilian functions, international staff members would train Timorese staff. Slow recruitment of international staff, uneven quality of skills and their insufficient knowledge of the local context became handicaps to achieving these goals. By the end of January 2000, only 351 international staff with varying levels of skills had arrived in East Timor, which damaged UNTAET's credibility during the first months of the mission.[181]

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[174] Interview with Marcelino Magno from Timor Institute of Development Studies (TIDS) and João Cancio Freitas from Dili Institute of Technology (DIT). See also, Joint Assessment Mission, 1999, p. 1.
[175] James J. Fox, "East Timor: Assessing UNTAET's Role in Building Local Capacities for the Future", *Council for Asia Europe Cooperation Conference Publications*, (2001a), p. 6, available at http://www.caec-asiaeurope.org/Conference/Publications/fox.PDF [accessed 26 September 2006].
[176] Chopra, 2000, p. 32.
[177] Chopra, 2000, p. 32.
[178] Fox, 2001a.
[179] Chopra, 2000, p. 33.
[180] The salary of international staff roughly ranged between US$ 4,000 and US$ 10,000 per month. Interview with Alex Grainger from La'o Hamutuk, (Dili, February 2006).
[181] Martin and Mayer-Rieckh, 2005, p. 134.

The only jobs available for many Timorese were driving, translation / interpretation, security and cleaning. Knowledge of English was required to obtain employment with UNTAET.[182] From the UN's perspective, the lack of competency in English language skills among the Timorese was one of the biggest challenges to finding and recruiting qualified local staff.[183] While there appears to be concerns in relation to the skills and capabilities of the East Timorese people, it would also seem that what skills and capabilities existed were not used efficiently, in large part due to the shortage of English language skills. Therefore, it can be argued that perhaps more involvement by Indonesian / Malay speaking agents of the UN would have been appropriate given the number of people with the skills and capabilities needed who were also proficient in the Indonesian / Malay language.

It was not until mid-2000 that UNTAET began recruiting local staff in civilian administration. The recruitment of Timorese civil servants was based on a "from the bottom-up" approach, which meant until late-2001, there were almost no Timorese at middle or senior levels in public administration.[184] As noted earlier, as of April 2002, just before the country's declaration of formal independence, only half of the management positions were filled with the Timorese. A number of specialists and consultants with different backgrounds and approaches coming from different countries flowed into East Timor, where there was no concrete, systematic capacity-development approach until the post-transitional period. UNTAET, which tended to equate 'Timorisation' of civil service with 'ownership', paid attention to the appointment of local staff rather than focusing on the training that would enable them to carry out their duties.[185] UNTAET's capacity-building exercises focused on individual skills transfer[186] rather than on institutional and structural procedures. Although international consultants and technical advisors were expected to advise their counterparts through coaching and mentoring and to encourage them to assume their responsibilities and functions, many of them either lacked time or training /

[182] Interview with Marcelino Magno and João Cancio Freitas.
[183] Interview with Scott Cunliffe, UNOTIL (United Nations Office in Timor-Leste), (Dili, 2 February 2006).
[184] Salvatore Schiavo-Campo, *Financing and Aid Management Arrangements in Post-Conflict Situations*, (Washington, DC: World Bank, 2003), p. 23.
[185] Chesterman, 2005, p. 144.
[186] Toshi Nakamura, *Reflections on the State Institution-Building Support in Timor-Leste Capacity Development, Integrating Mission, and Financial Challenges*, (Oslo: UNDP, November 2004), p. 16.

couching skills[187] or had little interest in interacting with the Timorese civil servants.[188] Displaying poor aptitude for capacity-development, they had little sensitivity to the socio-cultural context in which they were operating.[189]

In addition to these behavioural factors, other difficulties hindered progress in the transfer of skills. Partly due to the government's decision to temporarily freeze the recruitment of Timorese civil servants and partly due to the donors' preference for tight financial control, a number of international advisors had to carry out "line functions".[190] Thus, they had little time for advising and training Timorese staff. Communication problems resulting from international staff members' lack of local languages and local staff's lack of proficiency in the English language made it harder to undertake meaningful on-the-job training.[191] Hence, many Timorese staff ended up standing and watching around while their international counterparts were taking care of daily administrative tasks.[192] The result was little achievement in transferring skills to local personnel and creating a sense of 'ownership' of approaches and procedures introduced and implemented by international consultants.

In early 2001, the UNDP, in coordination with the National Planning and Development Agency established within the transitional government structure, formulated a comprehensive, sector-wide ten-year programme for governance and public sector development, called the Capacity Development for Governance and Public Sector Management (GPSM). Developed on the basis of a phased-approach, GPSM had a two-fold focus: prepare the ground for the transition to an independent administration, and develop and strengthen basic cross-sectoral capacities needed for a functioning public administration, supportive of a market economy in a democratic system of governance.[193]

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[187] Patrick Keuleers, "Building The Public Administration in a Post-Conflict Situation The Case of Timor-Leste", *United Nations Development Programme Sub-Regional Resource Facility for the Pacific*, (March 2004), p. 19.
[188] Interview with a Timorese civil servant from the Ministry of Foreign Affairs, (Dili, February 2006).
[189] King's College London, 2002, para. 176.
[190] Ibid.
[191] UNTAET and World Bank, *Background Paper for Donors' Meeting on East Timor*, (Canberra, 14-15 June 2001), pp. 15-16.
[192] Chesterman, 2005, p. 144.
[193] Stephen Browne, Patrick Keuleers and Niloy Banerjee, "Assessment of Capacity Development Efforts and Outline of a Framework for Future UNDP Support to Public Sector Capacity Development", *Mission Report*, (Dili: UNDP, August 2005), p. 8.

In order to avoid duplication of efforts, wastage of resources and *ad hoc* approaches to capacity development, the GPSM proposed the establishment of a Capacity Development and Coordination Unit (CDCU) to be staffed by 5 nationals, supported by one international advisor. The GPSM programme was endorsed by the Canberra donors' meeting of June 2001 and by the transitional cabinet. Donor countries expressed interest in providing bilateral support for 80 per cent of the individual projects proposed within GPSM.[194] However, partly due to high turnover in UNDP and partly because of limited involvement of the Timorese, it did not become the single guiding framework for capacity-building.[195] The initial appointment of an international advisor to recruit the CDCU personnel further aggravated this lack of ownership, leading to the perception of CDCU as a donor-steering mechanism resulting from a donor-driven capacity-development framework.[196]

Picture 5.2. A scene from Dili; as of February 2006, some of the basic infrastructure facilities in the capital Dili such as traffic and street lights, and waste water pipes were not constructed and demolished buildings were not repaired yet (Photo taken by the author, 12 February 2006).

Although approximately US$ 2 billion was channelled to East Timor for its reconstruction as a self-sufficient democratic polity during the transitional period, the country ranked as "the poorest in Asia and one of the poorest in the world", with more than 40% of the population living below the poverty line of $US 0.55 per

[194] United Nations, "Report of the Secretary-General", (17 April 2002), para. 14.
[195] Browne, Keuleers and Banerjee, 2005, p. 9.
[196] Ibid.

day,[197] when it became independent. The donor community including Japan, Australia, Portugal, the European Commission, Sweden, New Zealand and a number of other countries at the Tokyo meeting in December 1999 pledged a total of US$ 523 million, comprising of US$ 157 million for humanitarian aid and US$ 366 million in support of socio-economic reconstruction and development for the period 2000-02. This was outside UNTAET's own budget, which only covered the costs of peacekeeping forces and civilian staff, which amounted to US$ 1,280 million during the period until independence.[198]

Financial resources

(Thousands of United States dollars)

Category of expenditure	*1999/2000 expenditures*	*2000/01 apportionment*	*2001/02 cost estimates*[a]	*Proposed increase/(decrease) over 2000/01*	
				Amount	*Percentage*
Military personnel	98 689.6	230 940.5	207 386.2	(23 554.3)	(10.2)
Civilian personnel	62 967.7	191 491.6	169 097.1	(22 394.5)	(11.7)
Operational requirements	125 699.5	120 216.5	96 931.0	(23 285.5)	(19.4)
Other programmes[b]	611.4	3 403.0	2 305.7	(1 097.3)	(32.2)
Staff assessment	4 041.8	16 948.4	14 280.0	(2 668.4)	(15.7)
Gross requirements[c]	**292 010.0**	**563 000.0**	**490 000.0**	**(73 000.0)**	**(13.0)**
Voluntary contributions	-	60.0	60.0	-	-
Total	**292 010.0**	**563 060.0**	**490 060.0**	**(73 000.0)**	**(13.0)**

[a] Information on the distribution of resources by standard and mission-specific costs is contained in annex II.B.
[b] Excluding personnel.
[c] Exclusive of provision for the support account for peacekeeping operations and the United Nations Logistics Base at Brindisi.

Table 5.2. UNTAET Staff Expenditures (Source: United Nations, "Budget for the United Nations Transitional Administration in East Timor for the Period from 1 July 2001 to 30 June 2002", General Assembly Document, A/56/624, (15 November 2001), p. 6.)

[197] UNDP, 2002, p. vii, 1.
[198] Klaus Rohland and Sarah Cliffe, "The East Timor Reconstruction Program: Successes, Problems and Tradeoffs", *World Bank Conflict Prevention and Reconstruction Unit Working Papers*, 2 (November 2002), pp. 6-7.

Human resources

Military and civilian staff resources	*1999/2000*[a]	*2000/01*[a]	*2001/02*[a]	*Increase/(decrease) over 2000/01*
Military observers	200	200	200	-
Military contingents	8 950	8 950	8 950	-
Civilian police	1 350	1 350	1 350	-
Civilian police (formed units)	290	290	290	-
International staff	1 185	1 217	1 210	(7)
National officers	13	19	-	(19)
Local staff	1 892	2 026	2 021	(5)
United Nations Volunteers	486	820	700	(120)

[a] Represents highest level of authorized strength.

Table 5.3. Number of personnel employed with UNTAET (Source: United Nations, "Budget for the United Nations Transitional Administration in East Timor for the Period from 1 July 2001 to 30 June 2002", *General Assembly Document A/56/624*, (15 November 2001), p. 7).

The creation of separate funding mechanisms limited the effective use and distribution of foreign assistance mobilised to finance physical reconstruction and institutional development projects. This, in return, had negative repercussions for local capacity-building. The mechanisms created for the mobilisation of foreign reconstruction aid included (1) TFET (Trust Fund for East Timor) managed by the World Bank and Asian Development Bank to finance sectoral investment projects, (2) UNTAET-administered CFET (Consolidated Fund for East Timor), covering recurrent expenses of public administration, rehabilitation and capacity-building, (3) the assessed contribution budget of UNTAET, (4) projects financed by different UN agencies, and (5) projects financed by different bilateral donors.[199] The rough division between the recurrent cost financing (CFET) and reconstruction financing (TFET) and the arrangement of diverse and complex mechanisms of aid provision made it difficult to integrate all funding sources into East Timor's budget.[200] East Timorese civil servants were recruited to manage various projects, but project funds could not be used to pay their salaries, creating the difficult problem of finding funding for steps that needed to be taken before major reconstruction projects could begin.[201]

As noted earlier, GPSM, which was initiated as a sector-wide programme did

[199] Rohland and Cliffe, 2002, p. 7; Schiavo-Campo, 2003, p. 23.
[200] Ibid.
[201] Dobbins *et al.*, 2005, p. 174

not become a single guiding framework for building local capacity. Capacity-building in governance and public administration through the transfer of skills in the post-independence period were undertaken on the basis of a UNDP-led "skills audit", carried out in October 2001. UNDP identified over 300 international advisory positions to be placed in key government departments and units. Of the 300 positions, 100 were classified as "stability" posts to be funded from the assessed contribution of a new peacekeeping mission that would replace UNTAET in the post-independence period and the remaining 200 were identified as "development" positions to be financed through voluntary contributions from donors. This new capacity-building programme envisioned the training of almost one in three public servants by an international advisor. The international community's approach, therefore, continued to focus on the use of expatriate advisors to develop skills and relying on a one-to-one mentoring and skills transfer approach rather than through implementing formal training programmes.[202]

Type of state institutions	Stability post	Development post
Ministries and state secretariat	93	202
Judiciary	6	1
Parliament	1	2
Office of the President	0	8
Others	0	15
Total	100	228

Table 5.4. Composition of the 'stability' and 'development' posts by type of institution (Source: Toshi Nakamura, *Reflections on the State Institution-Building Support in Timor-Leste Capacity Development, Integrating Mission, and Financial Challenges*, (Oslo: UNDP, November 2004), p. 9.

As can be seen in Table 5.4., the focus of externally-led capacity building programmes during the post-independence period has been on the government, creating a strong executive at the expense of the development of other key institutions, namely the Parliament and the judiciary, required to oversee, check, balance and regulate the executive power. Lacking experienced MPs to draft and deliberate legislation, the FRETILIN-dominated Parliament relied on a few international advisors in the post-independence period. The legislative and oversight capacity of the Parliament was constrained by the lack of sufficient skilled and experienced in-house civil service, e.g. lawyers, administrative personnel, political

[202] Browne, Keuleers and Banerjee, 2005, p. 10.

and financial advisors, with the capacity to provide the parliamentarians with "substantive advisory services", and a shortage of physical infrastructure such as library, equipment and materials, offices and information centres.[203] Most of the laws were initiated by the government: "almost 95% of the laws approved in the Parliament were proposals from the government rather than initiatives from the parliamentarians".[204]

The justice sector, which has been constrained by the lack of skilled and experienced local lawyers, prosecutors and judges and limited availability of resources, has suffered from serious weaknesses in executing the rule of law in the post-independence period. In a World Bank report dated November 2002, the justice sector, along with the areas of land and property, was ranked as one of the least successful of the twelve sectors evaluated in terms their progress in establishing policies and institutional and management capacity during the transitional period.[205] The success of the sectors ranked higher such as health, water and agriculture was, to a larger extent, attributed to the "involvement of relatively experienced Timorese counterparts early in the transition".[206] In this respect, it is important to note that the justice sector was in fact "the only sphere…in which, virtually from the mission's outset, UNTAET established genuinely East Timorese staffed institutions".[207] The factors that caused its capacity weaknesses included limited interaction and collaboration between international advisors and Timorese political leadership regarding the identification and targeting of training and information[208] and the lack of experienced legal staff. All Indonesian-appointed judicial officers left East Timor when the Indonesian authorities withdrew in 1999. UNTAET found only seventy East Timorese who had law degrees from Indonesian universities but no courtroom experience.[209] Having attended a brief "quick impact" training programme in Darwin, Australia in late 1999, some of them were nominated as judges, prosecutors

[203] UNDP, "Strengthening Parliamentary Democracy in Timor-Leste (Parliament Project – project no. 00014960)" Revised Project Document for the Period 2006-2009, unpublished working draft, (January 2006), pp. 12-17.
[204] Interview Mr. João Goncalves, MP from the Social Democratic Party (PSD), Dili, 17 February 2006.
[205] Rohland and Cliffe, 2002, p. 11.
[206] Ibid.
[207] Beauvais, 2001, p. 1155.
[208] Rohland and Cliffe, 2002, p. 11.
[209] James Traub, "Inventing East Timor", *Foreign Affairs*, 79:4, (July / August 2000), p. 83.

and public defenders for a probationary period.[210] None of these Timorese judges, prosecutors (including the Prosecutor-General) and public defenders appointed by UNTAET, passed the written evaluation exams they sat in 2004 and were found to be ready for immediate appointment.[211]

Three other factors can be said to have contributed to the lack of success in building the capacity of the judiciary: the international community's inability to establish a "standardised formal training system",[212] multiple sources of the law applied, and language of the legal system.[213] As noted earlier, UN's approach to building local capacity was based on a mentoring programme. Although the ideal was to provide one mentor per person mentored, and with the right language capacities, this was never achieved.[214] The result was limited success in the transfer of skills. It was not until 2004 that the Timorese government, assisted by the UNDP-coordinated multi-donor Justice System Project, created a compulsory, standardised, professional training programme for the judges and public defenders.[215] However, communication problems created difficulties in the transfer of skills. Many of the international judges and legal advisors came from Lusophone countries and the Timorese court staff, who graduated from Indonesian universities, had limited Portuguese language skills. Without effective communication, effective skills transfer did not take place.

The laws passed by the Timorese Parliament and government decrees after independence, UNTAET regulations, Indonesian law,[216] and international legislation were among the sources of law applied in Timor-Leste. UNTAET regulations were mostly passed in English only. Although by law, all legislation adopted by the

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[210] Dionisio Babo-Soares, "Law and Order: Judiciary Development in East Timor", Comparing Experiences with Post-Conflict State Building in Asia and Europe Conference Paper, (Denpasar, Indonesia, 15-17 October 2001), p. 6. On the appointment of Timorese legal staff, see UNTAET/REG/2000/11 (6 March 2000).

[211] Judicial System Monitoring Programme (JSMP), "Results of Judges' Evaluations Released", *Press Release*, (26 January 2005); Idem, "Prosecutors and Public Defenders Fail Their Evaluations", *Press Release*, (25 May 2005);

[212] Interview with a UNDP staff member, (Dili, 12 February 2006).

[213] *Ibid*; Interview with Dionisio Babo Soares, (Dili, 10 February 2006).

[214] UNDP, *Asia-Pacific Rights and Justice Initiative, Case Studies on Access to Justice by the Poor and Disadvantaged, Mentoring Programme in Timor-Leste*, (July 2003).

[215] UNDP, "Enhancing the Justice System to Guarantee the Democratic Rule of Law – Strengthening the Justice System in Timor-Leste", *Revised Programme Document*, (December 2005a), p. 12.

[216] The first regulation passed by UNTAET held that the law applied before 25 October 1999 would be in use unless it conflicted with international standards of human rights. See, UNTAET/REG/1999/1 (27 November 1999).

Parliament and decree laws by the government must be published both in Tetum and Portuguese, as of August 2004, the legislation passed by the Parliament was published only in Portuguese in the official gazette.[217] Educated in Indonesian universities, Timorese court staff had difficulties in understanding the legislation and decree laws that they would interpret and apply. They were given three months of intensive training in legal Portuguese and the laws of Timor-Leste before they sat the proficiency evaluations in 2004.[218] Delivered in Portuguese, the training programme had a marginal impact on their performance. The choice of Portuguese as the language of the Timorese legal system, in other words, further constrained the capacity of Timorese judges and other legal staff who were already suffering from the lack of prior professional experience.

5.4. Conclusion

The UN's engagement in East Timor in the post-Indonesian period aimed to "invent" East Timor[219] through building functioning state structures and transferring administrative and institutional capabilities in two or three years. The components of this process of establishing a functioning state system after years of conflict and the physical destruction of the territory during the violent events surrounding the 1999 independence referendum included security-building, institution-building and capacity-building. The strategy that the UN adopted to achieve its mandate was based on the exercise of an extensive degree of interventionist role.

To start with security-building, UNTAET succeeded in fulfilling its short-term mandate of repatriating refugees and displaced persons, cantoning former guerrillas, and maintaining security, law and order throughout the territory. However, unable to resolve problems with demobilising and reintegrating former guerrillas into civilian life, the UN failed to build professional, sustainable security institutions.

Regarding institution-building and capacity-building, although UNTAET succeeded in establishing key government institutions, restoring public services and

[217] As of August 2004, only one law was translated into Tetum. Judicial System Monitoring Programme, *The Impact of the Language Directive on the Courts in East Timor*, (Dili, August 2004), p. 8.
[218] Ibid., p. 12.
[219] Traub, 2000.

overseeing the transition to independence, it had limited achievement in undertaking its long-term objective of creating local capacity for self-government. Government institutions, based on external models and foreign assistance, were built but lacked the capacity to effectively and independently perform their key functions in the post-transitional period. Ranking as the poorest country in Southeast Asia, Timor-Leste has suffered from institutional weaknesses and serious development challenges, remaining in need of external support and assistance throughout the post-independence period.

One of the key factors that affected this outcome is concerned with the international community's approach to building sustainable peace in East Timor through transforming the territory from a conflict devastated to democratically functioning, self-sufficient society. That is, although UNTAET was mandated to achieve long-term, sustainable outcomes, the UN's approach was influenced by a peacekeeping perspective; ending or preventing armed conflict. Lacking an in-depth understanding of local political, social and cultural processes that led to the outbreak of the post-ballot violence, the UN was heavily relied on its most recent experience in Kosovo and failed to adopt a participatory and inclusive approach to initiate a sustainable process of state-building and build upon the existing local capacities while developing new competences. The UN's limited success in including local stakeholders in the reconstruction process led to the stagnation of relations between the international state-builders and the Timorese people. This, in turn, as Ramos-Horta pointed to, led many East Timorese and their political leaders to be impatient to see the end of the UN-supervised rule in their country.[220]

[220] Jakarta Post, 2006.

Chapter Six
The Process of Creating a Multi-Ethnic Society in Kosovo

6.1. Introduction

As suggested throughout this thesis, the study of the reconstruction and transformation of post-conflict societies into democratic polities requires a good knowledge of the political and social processes that led to the breakdown of governmental and societal structures and outbreak of violent conflict in the past. It also requires the analysis of the two separate but complementary processes involved in post-conflict reconstruction: state-building and nation-building. The study of the reconstruction of conflict-affected societies, in other words, entails focusing separately on the issues of the construction of governmental and institutional structures and creation of a sense of unity around shared characteristics. The pursuit of a two-level analytical approach is therefore important in understanding the dynamics of local political and social processes and their impact on the prospect and sustainability of the international community-led democratisation.

As noted earlier, democratisation, which has become an integral component of the UN's conflict prevention and peace-building agenda in the post-Cold War era, is a gradual and open-ended process. As also discussed in the Introduction chapter, the undertaking of a successful process of democratisation, which is based on public participation and contestation, requires not only the presence of effectively functioning governmental, institutional and bureaucratic structures but also a shared sense of "imagined community", characterised by the identification of individuals,

coming from different backgrounds, with each other and their shared commitment to living together within the same polity. In the case of post-conflict societies, characterised by the weakness or total collapse of formal government institutions and the fragmentation or polarisation of the society along ethnic, religious, racial or other lines, the undertaking of a sustainable democratic peace-building process becomes extremely challenging. As discussed earlier, in places, where there is no shared sense of social cohesion, democratisation, which entails the distribution of political power and interests, may further undermine the capacity of newly built government institutions and trigger conflict. The reconstruction of post-conflict societies as peaceful, democratic entities therefore requires not only building loyalty to the newly established government institutions, seen as inclusive, representative and capable of responding to local needs, but also creating a sense of solidarity and cohesion within the population.

In the case of Kosovo, since the establishment of the UN interim administration in mid-1999 following NATO's unauthorised use of force against Serbia to stop human rights violations, the creation of a stable and cohesive 'multi-ethnic' society has frequently been reiterated by the members of the international community to safeguard Kosovo's peaceful and democratic development.[1] In his

[1] See for example former Secretary-General of the UN Kofi Annan's remarks, "Secretary-General Urges Restraint, Patience in Kosovo", *Press Release,* SG/SM/7037, (18 June 1999), available at http://www.un.org/News/Press/docs/1999/19990618.sgsm7037.html [accessed 16 February 2007]; "Transcript of Press Conference by Secretary-General Kofi Annan and Deputy-Secretary-General Louise Frechette at Headquarters," *Press Release*, SG/SM/7055, (1 July 1999), available at http://www.un.org/News/Press/docs/1999/19990701.SGSM7055.html [accessed 16 February 2007] "Secretary-General Kofi Annan's Address to The Permanent Council of the OSCE Vienna", UNIS/SG/2314, (20 July 1999), available at http://www.unis.unvienna.org/unis/pressrels/1999/sg2314.html [accessed 19 February 2007]; "UN Secretary General Kofi Annan Arrives in Kosovo", UNMIK Press Release, UNMIK/PR/869, (18 November 2002), available at http://www.unmikonline.org/press/2002/pressr/pr869.htm [accessed 19 February 2007]. See also former US Secretary of State Madeleine Albright's remarks. See, for example, BBC, "Albright Urges Kosovo Serbs to Stay", *BBC World News*, (29 July 1999), available at http://news.bbc.co.uk/2/hi/europe/406937.stm [accessed 19 February 2007]; "Address at the Friends of Kosovo Meeting", (30 June 1999), available at http://www.usunnewyork.usmission.gov/99_045.htm [accessed 19 February 2007]. It is important to note that although Mrs Albright, in the beginning, advocated the principle of multi-ethnicity in Kosovo, she later argued that "the word 'multiethnic' is harder to talk about for [Kosovo] because the Serbs are really a minority there, so it is a matter of respect for minority rights". See "Albright Plays Down 'multi-ethnicity' for Kosova[o]", RFE/RL, (3 March 2000), available at http://www.rferl.org/newsline/2000/03/4-see/see-030300.asp [accessed 2 March 2007]. On the international community's continued commitment to the developing a multi-ethnicity society in Kosovo, see also "Address to the Security Council By Michael Steiner, Special Representative of the Secretary-General", *UNMIK Press Release*, UNMIK/PR719, (24 April 2002), available at

much-awaited "Comprehensive Proposal for the Kosovo Status Settlement", offering "conditional independence" supervised by the international community, Martti Ahtisaari, Special Envoy of the Secretary-General of the United Nations, once more emphasised the principle of multi-ethnicity upon which the Kosovo society should be based for a peaceful future.[2] However, given the persistence of inter-ethnic intolerance and distrust, isolation of the Roma and Serbs, and continued existence of 'parallel structures' of administration, security, education and health in Serb-inhabited areas and enclaves in northern municipalities,[3] Kosovo looked far from an integrated, multi-ethnic society in early-2007 when Ahtisaari presented his proposed solution to the parties involved in the conflict.

This chapter seeks to analyse the issue of creating a sense of unified society in Kosovo in the post-conflict era. It is divided into two main parts. In accordance with the framework developed in Chapter 2, in which it was noted that nationalism and national identity construction denote two separate phenomena, the first section investigates the development of Serbian and Albanian nationalisms and evaluate how the clash of the two rival nationalisms, tied to competing narratives of history and national discourses and myths, led to a violent conflict in the late-1990s. The second part explores the aspects of the process of creating a sense of unified society in the post-NATO intervention period. In accordance with the analytical framework, this includes a review of the issues of reconciliation, social communication and the formation of a collective identity.

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http://www.unmikonline.org/press/2002/pressr/pr719.htm [accessed 3 March 2007]; "Address to the Security Council by Michael Steiner, Special Representative of the Secretary-General", *UNMIK PRESS Release*, UNMIK/PR/792, (30 July 2002), available at http://www.unmikonline.org/press/2002/pressr/pr792.htm [accessed 3 March 2007].

[2] United Nations, "Letter Dated 26 March 2007 from the Secretary-General to the President of the Security Council, Addendum Comprehensive Proposal for the Kosovo Status Settlement", *Security Council Document*, S/2007/168/Add.1, (26 March 2007), accessible via http://www.unosek.org/unosek/en/statusproposal.html [accessed 25 April 2007].

[3] Organisation for Security and Cooperation in Europe, (OSCE), *Parallel Structures in Kosovo*, (October 2003), pp. 12-15, available at www.osce.org/documents/mik/2003/10/698_en.pdf [accessed 23 August 2006]; Idem, *Parallel Structures in Kosovo 2006-2007*, (4 April 2007), available at http://www.osce.org/documents/mik/2007/04/23925_en.pdf [accessed 25 May 2007].

6.2. The Development of Two Rival Nationalisms

Kosovo has occupied a central place in the 'national consciousness' of both Serbs and Albanians. For the Serbs, with a number of important religious sites and monuments, Kosovo is the 'cradle' of the Serb culture and national identity, and the heartland of the medieval Serbian Empire – the sacred place where the medieval Serbian Empire was destroyed by the Ottoman army with the defeat of Prince Lazar's army by Sultan Murad I on 28 June 1389. The defeat at Kosovo Polje, the Field of Blackbirds, is mythologised in Serbian epic poetry and portrayed as the date for the destruction of the Serbian Empire and the 'enslavement' of its people.[4]

Figure 6.1. Map of Kosovo (Source: United Nations Department of Public Information, Cartographic Section, Map No. 4133, Rev. (29 September 2007), available at http://www.un.org/Depts/Cartographic/map/dpko/unmik.pdf [accessed 29 October 2007])

In contrast to the Serbs, Albanians put forward an Illyrian myth. Claiming that they are the direct descendants of the ancient Illyrians[5] with Kosovo part of the ancient people's homeland, Albanians have maintained that they were the original natives of Kosovo and always lived in the region before the arrival of the Serbs.

[4] Ger Duijzings, *Religion and the Politics of Identity in Kosovo*, (New York: Columbia University, 2000), p. 182.

[5] The ancient Illyrians, a group of people speaking a common language belonging to the Indo-European language family, used to live in the lands in the western Balkans, east of the Adriatic long before the arrival of the Slavs in the Balkans in the sixth century AD. For further information, see John Wilkes, *The Illyrians*, (Cambridge, Massachusetts: B. Blackwell, 1992).

Kosovo, where the League of Prizren was established in 1878 to defend the Albanian-populated lands against foreign invasion, is also regarded as the birthplace of the Albanian nationalist movement.

Both Albanian and Serbian nationalisms, as elsewhere in south-eastern Europe, originated as elite-driven movements in the nineteenth century. In common with other nineteenth century national movements in the region, the idea of the nation developed first in the minds of a handful of Serbian and Albanian intellectuals living abroad and influenced by liberalism rooted in the Enlightenment of the eighteenth century, and, to a greater extent, by the romanticism and historicism of the nineteenth century.[6] The intelligentsia's interest in language, folklore and history stimulated the development of nationalist aspirations. Due to the fact that the majority of Serbian[7] and Albanian[8] populations were illiterate peasants, historical myths, songs, symbols and folklore played a significant role in generating a sense of national consciousness and constructing a homogeneous cultural identity.[9] Both Serbian and Albanian nationalists sought foreign support and tried to take advantage of the conflict of interest amongst Great Britain, Russia, Austria-Hungary and Italy to achieve their national 'cause'. While Serbs relied on the Russians, Albanians sought Austrian and Italian support.

Both nationalisms were based on the myth of continuous national struggle against foreign 'oppressors'. In the absence of a written popular literature and formal history, centuries-old religious texts written by medieval monastic authors after the Battle of Kosovo[10] and oral epic and popular poetry[11] transmitted from generation to generation by local *guslar* singers[12] provided the nineteenth century Serbian

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[6] Piro Misha, "Invention of A Nationalism: Myth and Amnesia", Stephanie Schwander-Sievers and Bernd J. Fischer (eds), *Albanian Identities: Myth and History*, (London: Hurst & Company, 2002), p. 33; Barbara Jelavich, *History of the Balkans: Eighteenth and Nineteenth Centuries*, volume 1, (Cambridge, London: Cambridge University Press, 1983), pp. 171-74.

[7] In 1866, only 4.2 per cent of the Serbs could read and write; with 1.6 per cent in rural areas. Miranda Vickers, *Between Serb and Albanian: A History of Kosovo*, (London: Hurst & Company, 1998), p. 15.

[8] On the eve of the First World War, only three people out of a population of 18,000 in the Mirëdita region (in northern Albania) were able to read and write. Ibid., p. 38, citing the "Report of the Commission of the Council of the League of Nations on Albania" (1923).

[9] Misha, 2002, p. 34; Jelavich, 1983 p. 175.

[10] Vickers, *Between Serb and Albanian*, p. 14, Noel Malcolm, *Kosovo: A Short History*, (New York: New York University Press, 1998), p. 77.

[11] Vickers, 1998, p. 15; Malcolm, 1998, pp. 78-80.

[12] Those who play the *gusla*, a single-stringed instrument, and tell epic stories in the Balkans. Jelavich, 1983, p. 175.

nationalist intellectuals with the cultural material needed to construct a forgotten but glorious past as the basis of Serbian national identity.[13] The religious texts, proclaiming Prince Lazar a 'martyr' and transforming his defeat into a 'moral / holy victory' for the Serbs,[14] were written in the fifteenth century.[15] By romanticising the medieval Serbian state and removing any negative aspects of feudalism, the Serbian Church conveyed the image of a once magnificent state.[16] This would later lead the Serbs in the nineteenth century to consider the demise of their medieval state as the most important event in their history, caused by the defeat at the hands of the Turks in Kosovo, creating the Kosovo myth. Mythologising the medieval Serbian state and Prince Lazar's defeat as his conscious choice for a 'heavenly kingdom' to an 'earthly crown' in the following way, Serbian oral epic poetry was transformed into a nationalist ideology by the folksong collector and dictionary writer Vuk Karadžić and the poet Petar Petrović in the nineteenth century:[17]

> And Lazarus chose heaven, not the earth,
> And tailored there a church at Kosovo–
> O not of stone but out of silk and velvet–
> And he summoned there the Patriarch of Serbia,
> Summoned there the lordly twelve high bishops:
> And he gathered up his forces, had them
> Take with him the saving bread and wine.
> As soon as Lazarus has given out
> His orders, then across the level plain
> Of Kosovo pour all the Turks.[18]

Although the Battle of Kosovo is mythologised in the Serbian historiography as an event that resulted in the demise of the once magnificent Serbian Empire and the beginning of the 'dark ages' under Muslim Turkish rule, historical data shows that the Serbian Empire had already disintegrated after the death of Tsar Dušan in 1355 and was divided into principalities with the largest ruled by Prince Lazar.[19] Second, the issue of who was the winner and who was the loser is disputed. Given the huge losses both sides suffered, including the deaths of the Ottoman Sultan

[13] Duijzings, 2000, p. 184.
[14] Vickers, 1998, p. 15; Malcolm, 1998, p. 77.
[15] Vickers, 1998, p. 14
[16] Ibid., p. 15.
[17] Malcolm, 1998, p. 79.
[18] John Matthias and Vladeta Vučković, *The Battle of Kosovo*, (Athens, Ohio: Ohio University Press, 1987), p. 31
[19] Vickers, 1998, p. 12; Malcolm, 1998, pp. 58-9.

Murad and Serbian Prince Lazar on the battlefield, and the withdrawal of both sides, one might conclude that the war was a "draw" with no decisive winner.[20] Third, the war did not immediately result in the establishment of Ottoman rule. The Serbian state survived for another 70 years with a limited degree of Ottoman interference.[21] Serbia became a vassal of the Ottoman state and Lazar's daughter was sent to the Sultan's harem while his brother Stefan was fighting alongside the Turkish army.[22]

In the absence of a medieval Albanian state,[23] the Albanian intelligentsia relied on the myth of Skanderbeg's (a.k.a. Gjergj Kastrioti, 1405-1468)[24] 'heroic struggle' against the Ottoman Empire in the fifteenth century.[25] He was mythologised as the national hero of the Albanians who defended Albanian-lands, which did not include Kosovo, against the Turks for twenty-five years.[26] Skanderbeg's resistance to the Ottoman Empire contributed to the construction of the Albanian national identity as a people with a freedom-loving mind and rebellious spirit.[27] His family emblem (a black double-headed eagle on a red field) was adopted as the Albanian national symbol,[28] later becoming the national flag of Albania in 1912. Since a majority of his people had already converted to the religion of his 'enemies' by the nineteenth century, Skanderbeg's Christian faith and the religious dimension of his uprising against the Ottoman Empire and the Kastrioti family

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[20] Vickers, 1998, p. 13.
[21] Malcolm, 1998, p. 58.
[22] Tim Judah, *The Serbs: History, Myth and Destruction of Yugoslavia*, (New Heaven and London: Yale University Press, 1997), pp. 32-3.
[23] For a detailed discussion of the factors that prevented the Albanians from forming a state of their own in the fourteenth and fifteenth centuries, see Alain Ducellier, "Genesis and Failure of the Albanian State in the Fourteenth and Fifteenth Centuries", Arshi Pipa "The Other Albania: A Balkan Perspective", Arshi Pipa and Sami Repishti (eds.), *Studies on Kosovo*, (Boulder: East European Monographs, 1984), pp. 3-22.
[24] Born as Christian, Gjegj Kastirioti, was a son of an Ottoman vassal in southern Albania, and taken as a hostage to Istanbul where he converted to Islam and took the name of Skander (or Iskender in Turkish). He earned the title of *beg (*or *bey* meaning "lord" in Turkish). Later, during the war against the Hungarians in Niš in 1443, he revolted against the Ottoman Empire, became Christian again and fought against the Ottomans to liberate Albanian lands for twenty-five years.
[25] Misha, 2002, 43, Fatos Lubonja, "Between the Glory of a Virtual World and the Misery of a Real World", Stephanie Schwander-Sievers and Bernd J. Fischer (eds), Albanian Identities: Myth and History, (London: Hurst & Company, 2002), p. 92.
[26] Lubonja, 2002, p. 92.
[27] Antonina Zhelyazkova, "George Kastrioti – Skanderbeg's Resistance to the Ottomans, Heroicity as Part of the Albanian Individuality", Antonina Zhelyazkova (ed.), *Albanian Identities*, (Sofia: International Center for Minority Studies, 2000), available at http://www.omda.bg/imir/studies/alban_id1.html [accessed 13 March 2007].
[28] Misha, 2002, p. 42.

emblem's Byzantine origin[29] were almost never mentioned by Albanian nationalists.[30] Neither was his mother's alleged Slavic origin a matter of discussion.

Figure 6.2. National emblem of Albania – Skanderbeg's helmet and a goat's head on top, a black two-headed eagle on a red field.

Picture 6.1. Skanderbeg's statue in front of the government building in Prishtina / Priština, Kosovo (Photo taken by the author, 5 September 2006).

Despite these parallels, there are significant contrasts between the two nationalisms. Firstly, serving as an element of unity, religion formed the basis of Serbian nationalist movement, although nationalism emerged as a secular movement in Western Europe. This, to a great extent, was a legacy of the Ottoman administrative and social system of *millet*[31] which emphasised religion as the basis of group identity and social organisation.

Dividing the population into communities along religious lines rather than linguistic or cultural attributes, the *millet* system enabled the Serbs and other Christian peoples in the Balkans to preserve their cultural, linguistic and religious

[29] Symbolising the Emperor's sovereignty, power and interests over the West and East, the double-headed eagle was the symbol of the Byzantine Empire.
[30] Misha, 2002, p. 42.
[31] The *millet*, meaning nation in Turkish, system was introduced by Mehmed II (the Conquer) in 1454 after his conquest of Constantinople (Istanbul) to prevent any possible alliance between Rome and the Orthodox Patriarchate in Constantinople and neutralise the influence of the Papacy and Venice over the Christian populations in the Balkan region. It formed the constitutional framework of the Ottoman Empire up until the second half of the nineteenth century when a series of administrative reforms were adopted in response to economic and social changes. For further information, Kemal Karpat, "Millets and Nationality: The Roots of the Incongruity of Nation and State in the Post-Ottoman Era", Benjamin Braude and Bernard Lewis, *Christians and Jews in the Ottoman Empire: The Functioning of A Plural Society*, (New York, London: Holmes & Meier Publishers, Inc., 1982).

autonomy and identity during centuries of Ottoman rule. The non-Muslim subjects of the Ottoman Empire were organised into the Orthodox, Armenian and Jewish *millets*, each headed by its own ecclesiastical authority exercising wide jurisdiction over the church organisation, schooling, tax collection and the judicial systems.[32]

Serbs belonging to the Orthodox *millet* were headed by the Patriarch of Constantinople. Providing the only education available, the Serbian Orthodox Church, acting under the jurisdiction of the Patriarchate of Constantinople, carried the idea that Muslim rule was a temporary phenomenon while keeping alive in the minds of the faithful the memory of an independent and glorious past.[33] When nationalism intruded into the Ottoman Empire in the nineteenth century, the concept of nationality came to be conceived as a religious community although language was seen as a distinctive national characteristic by both Muslim and non-Muslim subjects of the Empire.[34] The Serbs treated religion synonymous with national identification due to the fact that, like other Balkan Christians, they asserted their claims for independence and statehood on the basis of their religious differences with the Muslim Sultan.

In the case of Albanians, religion had the potential to serve not only as a pretext for foreign influence and intervention[35] but also as an obstacle to achieving Albanian national unity due to the fact that they were divided among four faiths: Roman Catholicism, Orthodox Christianity, Sunni Islam[36] and the Islamic Bektashi order, a syncretic and heterodox sect in Islam.[37] Catholic Albanians were concentrated in the north mainly in Shkodër (Shkodra) and the Orthodox in the south of the Shkumbi River in Korçë and Gjirokastër.[38] A great number of Albanians converted to Islam in the seventeenth and eighteenth centuries and they exercised a

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[32] Karpat, 1982, pp. 142-5; Jelavich, *History of the Balkans*, pp. 48-50; Vickers, 1998, p. 19; Hugh Poulton, *Minorities in Southeast Europe: Inclusion and Exclusion*, (London: Minority Rights Group International, 1998), p. 8.
[33] Jelavich, 1983, pp. 91-92.
[34] Karpat, 1982, p. 165.
[35] Misha, 2002, p. 45.
[36] Ibid.; Ger Duijzings, "Religion and the Politics of 'Albanian': Naim Frashëri's Bektashi Writings, Stephanie Schwander-Sievers and Bernd J. Fischer (eds), *Albanian Identities: Myth and History*, (London: Hurst & Company, 2002), p. 60; Jelavich, 1983, p. 81; Bernd J. Fischer, "A Brief Historical Overview of the Development of Albanian Nationalism", *East European Studies Meeting Reports*, (2005), p. 2., accessible via http://www.wilsoncenter.org/ [accessed 13 March 2007].
[37] Duijzings, 2002; Fischer, 2005.
[38] Jelavich, 1983, p. 81.

privileged status both in their own lands and the entire empire.[39] Since the Ottoman Empire provided the protection of Albanian interests against the Orthodox Slavs, and career opportunities in the army and administration, there was little or no incentive on the side of Muslim Albanians to claim an identity in national terms and seek liberation.[40]

Due to its potential to further the already existing divides, Albanian nationalists emphasised the need to bury religious differences and propagated the idea that "the real religion of Albanians is Albanianism" coined by Vaso Pasha (a.k.a Pashko Vasa or Wassa Effendi, 1825-1892).[41] Pointing to religious and cultural divisions within the Albanian population in his well-known poem "Oh Albania, Poor Albania" written just after the crushing of the Prizren League by the Ottoman Empire in 1880, Vaso Pasha, a Catholic from Shkodra who held high positions in the Empire, called all Albanians to unite and rise against the "foreigners" who for centuries divided and exploited them:

> Albanians, you are killing your brothers,
> Into a hundred factions you are divided,
> Some say 'I believe in God,' others 'I in Allah,'
> Some say 'I am Turk,' others 'I am Latin,'
> Some 'I am Greek,' others 'I am Slav,'
> But you are brothers, all of you, my hapless people!
> The priests and the hodjas* have deceived you
> To divide you and keep you poor.
> When the foreigner comes, you sit back at the hearth
> As he puts you to shame with your wife and your sister,
> And for how little money you are willing to serve him,
> Forgetting the oaths of your ancestors,
> Making yourselves serfs to the foreigners
> Who have neither your language nor your blood![42]

Another difference between Albanian and Serbian nationalisms is that while the Serbs were among the first people in the Balkans to be influenced by the newly emerging nationalist ideology that swept through Europe in the mid-nineteenth century, the development of Albanian nationalism as a mass political movement with

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[39] At least thirty grand viziers (chief minister of the Sultan holding His seal) of Albanian descent served in the Ottoman Empire.

[40] Stark Draper, "The Conceptualisation of an Albanian Nation", *Ethnic and Racial Studies*, 20:1 (January 1997), p. 2; Bernd J. Fischer, "Albanian Nationalism in the Twentieth Century", Peter F. Sugar (ed.), *Eastern European Nationalism in the 20th Century*, (Washington: The American University Press, 1995), p. 27.

[41] Misha, 2002, p. 45; Duijzings, 2002, p. 61.

* Muslim religious leaders / teachers.

[42] The poem can be found at http://www.shkoder.net/en/pvasa_re.htm [accessed 12 February 2007].

a demand for autonomy or independence took place in the last quarter of the century. The beginnings of Serbian cultural awakening took place in the late-eighteenth century in Vojvodina and Srem in the Habsburg territories, which emerged as the Serbian cultural and educational centre. The nationalist ideas and patriotic writings produced by a small but influential intelligentsia in Vojvodina were transmitted to the Pashalik (province administered by a *pasha* – general and governor) of Belgrade in Serbia proper and to Montenegro by the Church in Vojvodina which maintained regular contacts with Serbian communities in the south and close relations with the Russian Orthodox Church.[43] It was a group of intellectuals from Vojvodina and Srem who wrote the history of Serbia and codified the Serbian language.[44] The writings of the late eighteenth and early nineteenth century Serbian intellectuals from the Habsburg lands not only sparked the Serbian national 'awakening' against Ottoman and Habsburg domination and resulted in the formation of the autonomous principality of Serbia in 1830 but also inspired a cultural interaction between other South Slavic peoples, namely Croats and Slovenes, that would eventually lead to the idea of liberation and unification of South Slavs or the notion of Yugoslavism in the second half of the nineteenth century.[45]

The "spark" of Albanian national 'awakening' took place in the 1860s among the Italo-Albanians (Arbëreshi) in southern Italy where a number of Albanians had migrated after the defeat of Skanderbeg in 1468.[46] However, since they wrote in Italian and the great majority of Albanians were illiterate, it had a marginal influence.[47] Although a series of insurrections against the Porte[48] led by local chiefs, whose powers and privileges were reduced by the *Tanzimat* reforms,[49] took place in

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[43] Ivo J. Lederer, "Nationalism and the Yugoslavs", Peter F. Sugar and Ivo John Lederer (eds.), *Nationalism in Eastern Europe*, third printing, (Seattle and London: University of Washington Press, 1994), pp. 407-8; Vickers, 1998, p. 29.

[44] George W. White, "Place and Its Role in Serbian Identity", Derek Hall and Darrick Danta (eds.), *Reconstructing the Balkans: A Geography of the New Southeast Europe*, (Chichester, New York: John Wiley & Sons Ltd, 1996), p. 41; Jelavich, *History of the Balkans*, p. 149, 177; Lederer, 1994, pp. 412-4.

[45] Lederer, 1994, pp. 414-24; Spyros A. Sofos, "Culture, Politics and Identity in Former Yugoslavia", Brian Jenkins and Spyros A. Sofos (eds.), *Nation and Identity in Contemporary Europe*, (London and New York: Routledge, 1996), p. 254.

[46] Fischer, 1995, p. 28.

[47] Ibid.

[48] Meaning, the "gate" in French, the term Porte was used by Europeans to designate the Ottoman government or the court of the Sultan.

[49] Meaning 'reordering' in Turkish, the *Tanzimat* reforms, undertaken between 1839 and 1876, aimed

Albanian lands, it was not until the establishment of the Prizren League on the eve of the Congress of Berlin in 1878 that a group of Albanian intellectual and political leaders, headed by Abdyl Frashëri, brought the Albanian Question, thus the existence of the Albanian people, to the attention of the great powers of Europe.[50]

The third difference between the two nationalisms is that while Serbian nationalism began as a movement to emancipate the Serbs from the 'Turkish yoke', Albanian nationalism originated against the territorial expansion of the Serbs and Greeks and their propaganda campaign denying the existence of the Albanian people rather than as a national liberation movement against the Ottoman Empire.[51] Only when Albanian intellectual and political leaders became fully aware of the fact that the Empire's disintegration was inevitable and would result in political and cultural domination of the Orthodox Christians over the disunited Albanian lands did nationalist conceptions and aspirations of statehood to the detriment of the Porte's interests begin to develop.[52]

Convened at the end of the Russo-Turkish war to revise the Treaty of San Stefano which assigned Albanian-populated lands to the principalities of Serbia, Montenegro and Bulgaria, the Congress of Berlin resulted in the granting of independence to Serbia, Montenegro and Romania, and of autonomy to Bulgaria[53] and the cession of a strip of Albanian lands (Bar, Pogdorica, Gusinje and Plav) to Montenegro.[54] Established to defend Albanian lands against the Orthodox Slavs, the Prizren League initially had the support of the Porte. However, after the Albanian leaders demanded the unification of all Albanian lands, and cultural and political autonomy when it became clear that the Porte could no longer protect their interests, the League met with a harsh response from Sultan Abdulhamid II who suspended the

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at rejuvenating and modernising the Ottoman Empire, which was in a political and economic decline since the early eighteenth century. The reforms introduced to the Albanian-inhabited lands included new taxes, establishment of a new army based on recruitment, opening of Turkish schools, new administrative districts (*vilayets)* and a new fiscal system.

[50] Fischer, 1995, p. 28; Stavro Skendi, "Beginnings of Albanian Nationalist and Autonomous Trends: The Albanian League, 1878-1881", *American Slavic and East European Review*, 12:2 (April 1953), pp. 219-220; Jelavich, 1983, pp. 362-363, Misha, 2002, p. 40; Malcolm, 1998, p. 223.

[51] Misha, 2002, p. 34; Lubonja, 2002, p. 91; Isa Blumi, "The Role of Education in the Formation of Albanian Identity and its Myths", Stephanie Schwander-Sievers and Bernd J. Fischer (eds.), *Albanian Identities: Myth and History*, (London: Hurst & Company, 2002), p. 51.

[52] Draper, 1997, p. 2.

[53] Jelavich, 1983, p. 360.

[54] Ibid., p. 364.

1876 Constitution and pursued a pan-Islamic ideology to counter-balance the Christian and Slavic influence in the Balkans. The writings of Ismail Qemal Bey (1844-1919), who is accepted as the 'father' of the Albanian nation due to his leading role during the declaration of Albanian independence in November 1912, can shed light on the changed nature of the Albanian-Ottoman relations with the demise of the latter's power in the region:

> Since that time [the death of Skanderbeg], although the Albanians have never given up their passionate desire for independence, they have been the only Balkan people really attached to the Ottoman Empire, always happy to help strengthen it and to profit by its strength. But whenever the Albanians have become aware that, instead of growing stronger, Turkey had weakened herself, and hurried to her ruin, they have risen in an effort of self-preservation with the unanimous cry, 'Let her commit suicide if she wishes; we intend to survive'.[55]

Albanian nationalism entered its last stage, or what Miroslav Hroch calls Phase C (the political phase),[56] in 1908 following the Young Turk[57] Revolution in the Ottoman Empire. The restoration of the Constitution, which was suspended by Sultan Abdulhamit II, was initially met with euphoria in Albanian lands. However, discontent amongst the Albanian intellectuals and political leaders resurfaced when the new regime failed to deliver on its promise of undertaking democratic reforms and granting cultural and administrative autonomy and of keeping the Empire intact. The dual monarchy of Austria-Hungary annexed Bosnia Herzegovina and Bulgaria declared independence in October 1908.[58] The aggressive centralisation and Ottomanisation policies of the Young Turks to keep the remaining lands of the Empire, which interfered with traditional Albanian freedoms, fuelled the already-rising resentment against Ottoman rule, resulting in the outbreak of an uprising in Kosovo in 1908 and a series of sporadic revolts throughout Albanian lands by 1912, and the declaration of Albanian independence in November 1912.[59]

The creation of an Albanian state was supported by the great powers of the

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[55] Quoted in Noel Malcolm, "Myths of Albanian National Identity: Some Key Elements, as Expressed in the Works of Albanian Writers in America in the Early Twentieth Century", Stephanie Schwander-Sievers and Bernd J. Fischer (eds.), *Albanian Identities: Myth and History*, (London: Hurst & Company, 2002), p. 83.

[56] Miroslav Hroch, *Social Preconditions of National Revival in Europe: A Comparative Analysis of the Social Composition of Patriotic Groups among the Smaller European Nations*, (Cambridge; London; New York: Cambridge University Press, 1985), pp. 23-24.

[57] The Young Turks were a group of nationalist military officers who were dissatisfied with the absolutist rule of Abdulhamid II and favoured reforming and modernising the Ottoman Empire.

[58] Malcolm, 1998, pp. 238-240.

[59] Fischer, 2005, p. 2.

rime in the London Conference held after the Balkan War in December 1912. However, almost half of its population was left outside the boundaries of the newly created Albanian state. The newly independent Albanian state did not include Kosovo and the predominantly Albanian-inhabited regions in Macedonia. Kosovo, which was partitioned between Serbia and Montenegro during the Balkan War,[60] was later annexed to the Kingdom of Serbs, Croats and Slovenes created by the union of the independent kingdoms of Serbia and Montenegro, the Croat and Slovene-populated territories of the Austro-Hungarian Empire at the end of the First World War.[61] The Kingdom also included the territories of Vojvodina and Bosnia-Herzegovina. It was renamed Yugoslavia in 1929. Treated as second class citizens, the Kosovo Albanians never felt themselves an integral part of the first (or Royal) Yugoslavia, meaning the 'land of South Slavs', to which they were forced to belong. They organised the *Kaçak* (fugitive in Turkish, derived from the word *kaçmak* meaning run away) movement with the support of Italy, and maintained guerrilla warfare against the Yugoslav government until 1924.[62]

Rather than striving for creating a viable environment conducive to promoting the peaceful co-existence and integration of the two groups, the Serbs pursued an aggressive policy of colonisation and cultural assimilation throughout the interwar period to change the demography of Kosovo in favour of the Serbs. Under the Decree of September 1920 on the Colonisation of the Southern Regions of Yugoslavia, and the Law on the Colonisation of the Southern Regions of June 1931, a total of 10,877 Serb and Montenegrin families were settled on 120,672 hectares of lands, confiscated from the Albanians who participated in *kaçak* resistance and/or who failed to provide documents of proof of ownership, in the two waves of settlement in the periods 1922-1929, and 1933-1938.[63] Although there are no exact figures, data from the administrations of Yugoslavia and Albania suggest that a total of between 200,000 and 300,000 Albanians were forced to migrate from Yugoslavia

[60] The eastern plain was given to Serbia, while the western plain was kept by Montenegro. Malcolm, 1998, p. 257.
[61] Bitola (Monastir) in Macedonia was incorporated into the Kingdom of Serbs, Croats and Slovenes and Janina was acceded to Greece at the end of the First World War.
[62] Vickers, 1998, pp. 99-102.
[63] Vickers, 1998, pp. 105-6; Malcolm, 1998, p 280.

to Turkey and Albania during the inter-war period.[64]

The Kosovo Albanians were also denied their cultural rights including schooling in the Albanian language even though they were treated as Yugoslav citizens after 1918. By 1930, there was no officially recognised Albanian-language school throughout Kosovo.[65] During the first years of Serbian rule, they were provided education only in the Serbian language[66] so as to integrate the Albanians into Serbia as loyal subjects.[67] Later, Muslim *mektebs* (elementary schools) and *medreses* (secondary schools), where the language of instruction was Turkish, were permitted with a view to undermining the feeling of Albanian national identity.[68] However, it was precisely these schools which the Albanians turned into centres of clandestine national education and oppositional activity that contributed to the rise of Albanian national identity in the inter-war period.[69] The use of underground schools to generate national consciousness and unity under repression would leave a legacy for the Albanian national struggle in the late 20th century.

Occupied by the Axis powers during the Second World War,[70] Kosovo at the end of the war was incorporated into the socialist Yugoslavia, established by Josip Broz Tito. Tito was aware of Yugoslavia's nationality question, specifically the Serbian desire to dominate the entire country. As an Orthodox Marxist-Leninist leader, he also believed that nationalism would disappear with the demise of the

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[64] Vickers, 1998, p. 119. Malcolm gives a different figure. He argues that between 90,000 and 150,000 left Yugoslavia in the period 1918-1941. See, Malcolm, 1998, p. 286.
[65] Malcolm, 1998, p. 267.
[66] Vickers, 1998, p. 103; Malcolm, 1998, p. 267.
[67] Denisa Kostovicova, "'Shkolla Shqipe' and Nationhood: Albanians in the Pursuit of Education in the Native Language in Interwar (1918-41) and Post-Autonomy (1989-98) Kosovo", Stephanie Schwander-Sievers and Bernd J. Fischer (eds.), *Albanian Identities: Myth and History*, (London: Hurst & Company, 2002), p. 159.
[68] Vickers, 1998, p. 103; Malcolm, 1998, p. 267; Kostovicova, 2002, p. 159.
[69] Kostovicova, 2002, p. 160; Vickers, 1998, p. 104.
[70] During the war, Kosovo was divided into three parts. The northern part, Mitrovica, remained under German control due to the importance of the Trepca mines, the eastern districts of Gnjilane, Kacanik and Vitin were attached to Bulgaria and most of Kosovo together with Debar, Tetova, Gostivar and Struga in western Macedonia were incorporated to the fascist Italy-controlled Albania. Taking advantage of the occupation, Kosovo Albanians, motivated partly by revenge and partly by a desire to take their expropriated lands back, harassed and attacked the Serb and Montenegrin settlers. According to Serb sources, some 10,000 Serb and Montenegrin families were forced to migrate during the war. See, Vickers, 1998, pp. 121-2. The Yugoslav partisans led by Tito struggling against the Axis forces, explicitly offered the unification of Kosovo with Albania at the Bujan Conference in 1943-44 in return for the Albanian participation in the anti-fascist struggle. However, this offer included in the resolution statement of the Conference was later treated by the Yugoslav authorities as a "political blunder". Ibid., p. 136.

bourgeois state. Therefore, he was in favour of a decentralised state structure and equal treatment of national groups and recognition of their legal, political, economic and cultural rights. This is why he granted separate and equal republican status to Montenegro, Macedonia and Bosnia-Herzegovina, and autonomy to Kosovo and Vojvodina.

Together with the Montenegrin intellectual Milovan Djilas and Slovene economist Edvard Kardelj, Tito devised 'self-management' (*samoupravljanje*)[71] and 'brotherhood and unity' (*bratstvo i jedinstvo*) as two core principles of socialist Yugoslavia. Aimed at replacing ethno-national sentiments with an economic class identity of workers and a supra-national Yugoslav identity, these two policies aimed to suppress the potential divisive elements through promoting a sense of shared ideological values and stressing similarities among the South Slav ethnic groups.[72] Tito was able to keep different nations with competing interests and agendas unified during his lifetime thanks to his charismatic leadership and policy of institutionalised balance of power aiming at minimising the potential for domination of one group over another. However, it did not take long until the nationality question resurfaced, shortly after his death, with the outbreak of mass riots of the Kosovo Albanians in March 1981, ignited by student grievances at the University of Pristina.

Recognised as a nationality (*narodnost*) rather than a nation (*narod*) since their nation had a homeland elsewhere, the Kosovo Albanians were granted extensive political, economic and cultural rights in the late-1960s through

[71] Based on the replacement of a central-command economic structure with a self-managed socialist economy, self-management came into being as a new model of socialism or 'Third Way' that Yugoslavia offers following the country's expulsion from the Cominform in 1948. Adopted in 1953, the law on self-management replaced the concept of state-ownership of means of production with social-ownership and assigned workers councils established within socially-owned enterprises with management and decision-making responsibilities. Self-management required the Communist Party to relinquish its control and power over decision-making, which Milovan Djilas pointed to in his writings. Criticising the continued centralised power of the Party and demanding a more participatory and democratic approach within the Party, Djilas, in 1955, published *The New Class: An Analysis of the Communist System*. Pointing to corruption and enormous differences in living standards caused by the rise of a new class of privileged ruling elite, the *nomenklatura*, enjoying material gains from their position, Djilas argued that socialism practised in Eastern European countries was not egalitarian. Purged from the Party, he was sentenced to ten-year imprisonment. He was later tried and jailed for his continued criticisms of the system. For further information on the Yugoslav system of workers' self-management, see Saul Estrin, *Self-Management: Economic Theory and Yugoslav Practice*, (Cambridge [Cambridgeshire], New York: Cambridge University Press, 1983); John H. Moore, *Growth with Self-Management: Yugoslav Industrialization, 1952-1975*, (Stanford, California: Hoover Institution Press, Stanford University, 1980); Ljubo Sirc, *The Yugoslav Economy under Self-Management*, (London: MacMillan, 1979).

[72] Sofos, 1996, p. 258.

constitutional amendments. These policy adjustments, adopted in response to student demonstrations, staged in 1968 and calling for a university and a republican status in the post-Ranković[73] period, were undertaken in parallel to a gradual rapprochement process between Belgrade and Tirana following the Soviet invasion of Czechoslovakia.[74] The federal government dropped 'Metohija', the Serbian term for the Western part of the province, from the official name of the province and allowed the public display of the Albanian flag in 1968.[75] Accepted as equal to the Serbo-Croat language, the Albanian language was introduced in schools and administration in 1969, becoming the official language.[76] The University of Pristina and centres of Albanian literature were opened in the same year.[77] Having signed a trade agreement with Enver Hoxha, Tito also allowed Kosovo Albanians to travel to Albania and the establishment of cultural contacts between Kosovo and Albania, leading to an influx of textbooks from Albania to Kosovo, the exchange of professors and even the planning of joint film productions.[78]

The rising levels of education in the period 1968-1978 resulted in the growth of a new educated class and changed the imbalance in public employment in favour of the Albanians.[79] This rapid Albanisation in the organs of local power and the rapidly declining ratio of the Serbs and Montenegrins throughout the 1970s fuelled the already-existing discontent among the Serbs inside and outside Kosovo who were treating Tito's nationality policies with scepticism. The change in the demography of the province was caused by the high rate of birth among the Albanians and the ongoing outward emigration of Serbs and Montenegrins from the province partly motivated by a desire to find better employment opportunities and partly due to intimidation and discrimination by the Albanians. [80]

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[73] Strongly in favour of centralisation, Aleksandar Ranković, who was a Serb, pursued a policy of repression and intimidation against the Albanians until he was dismissed from his posts as the head of the Yugoslav secret police and Vice-President of the state in 1966.

[74] Patrick F. Artisien, "A Note on Kosovo and the Future of Yugoslav-Albanian Relations: A Balkan Perspective", *Soviet Studies*, 36:2 (April 1984), p. 267; Vickers, 1998, pp. 162-6; Malcolm, 1998, pp. 324-5.

[75] Artisien, 1984, p. 267; Vickers, *Between Serb and Albanian*, pp. 168-9, Malcolm, *Kosovo*, p. 325.

[76] Branka Magaš, *The Destruction of Yugoslavia: Tracking the Break-up 1980-92*, (London; New York: Verso, 1993), p. 36; Vickers, 1998, p. 170.

[77] Magaš,1993, p. 36; Julie A. Mertus, *Kosovo: How Myths and Truths Started a War*, (Berkeley, California: University of California Press, 1999), p. 17; Vickers, 1998, p. 170.

[78] Mertus,, 1999, p. 17; Artisien, 1984, p. 270; Malcolm, 1998, pp. 325-6; Vickers, 1998, pp. 165-6.

[79] Malcolm, 1998, p. 326; Vickers, 1998, p. 174.

[80] Before World War II, the Serbs and Montenegrins constituted 33.1% of Kosovo's population of

Dissatisfied with their autonomous status guaranteed by the 1974 Constitution, which recognised self-rule for the province, the Kosovo Albanians staged mass demonstrations for the elevation of the province's status to a republic in March 1981. For the Serbs, the Albanian demand for republican status meant that they were seeking to break away from Yugoslavia and unite with Albania.

Emphasising their own grievances arising out of conflicting perceptions of ethnic inequalities and memories of victimisation by the 'other' side, the Serbs and Albanians generated their own national programmes in the post-Tito period. The Albanians, who believed that the denial of a republican status despite their sizeable population, which was much bigger than the Montenegrins and Macedonians, was because they were not Slavs. Believing that the causes of their socio-economic problems were rooted in the very structure of the Yugoslav state system, they thought that only the recognition of republican status would improve their situation and status in Yugoslavia. Viewing themselves as the 'liberator' of the South Slavs due to their commitment to the armed resistance against foreign invaders during the First and Second World Wars, the Serbs considered the creation of two autonomous units with extensive autonomous rights within Serbia as reflecting an 'unfair' situation. They were dissatisfied with the evolution of the Yugoslav federal state structure and believed that decentralisation was indeed a deliberate policy of the half-Croat and half-Slovene Tito and his right hand man Slovene Edvard Kardelj to weaken the Serb position vis-à-vis the Croats and Slovenes.[81]

The events that followed the brutal suppression of the mass riots of Kosovo Albanians in 1981, i.e. trials of the rioters, the cutting of cultural and educational contacts between Kosovo and Tirana by Belgrade, the voicing by a nationalist

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645,012. See, Mertus, 1999, p. 315. As noted earlier, during the occupation of Yugoslavia by the Axis powers between 1941 and 1945, the Serbs and Montenegrins were forced to migrate from Kosovo. After the war, the new Yugoslav socialist regime banned the return of the Serbs and Montenegrins to Kosovo for a while in order to convince Albania's Enver Hoxha to join the projected socialist Balkan federation and strengthen the confidence of the Albanian national minority in the new political system. Despite the overall improvement in Kosovo's economy in the post-World War II period, the Serbs and Montenegrins continued to migrate to Serbia and Montenegro due to economic reasons and continued harassment of the Kosovo Albanians. The ratio of the Serbs declined from 23.6 out of a population of 963,988 in 1961 to 13.2% out of the province's population of 1,584,441 in 1981. Ibid., p. 316.

[81] For a review of the Serbian grievances, see Kosta Mihailovic and Vasilije Krestic, *Memorandum of the Serbian Academy of Sciences and Arts – Answers to Criticisms*, (Belgrade: Serbian Academy of Sciences and Arts, 1995), available at http://www.rastko.org.yu/istorija/iii/memorandum.pdf [accessed 25 October 2006].

Serbian intelligentsia of the grievances of the Kosovo Serbs and the calling for the 'de-Albanisation' of the province, resulted in the rise of a "dangerous, defensive, populist, and officially sanctioned nationalism" in Serbia.[82] This fuelled the already-growing Albanian nationalism developing in opposition to the Serbian state. The revocation of Kosovo's autonomy in 1989, and the accompanying expulsion of Albanians from government service and their deprival of political, economic, social and cultural rights led the Albanian political leaders to unilaterally declare the 'Republic of Kosovo' and form a 'shadow state' by establishing their own 'parallel systems' of education, health, taxation and transportation. Albanian private house schools – *shtëpi shkolla* – where the teaching was based on a secular nationalist curricula focusing on prominent Albanian historical figures, events and dates, Albanian literature and the geography of Kosovo and other Albanian lands became the primary force for "symbolically engineering" the sense of Albanian nationhood and for strengthening the Albanian national political movement for statehood.[83] By reinforcing unity and national identity among the Albanians, this situation, reduced the already limited contact, caused by linguistic, cultural and religious differences, between the two communities to a minimum, developing a system of 'apartheid' in the province.

Failing to attract the international community's interest in and support for their non-violent struggle due to the absence of armed conflict in the province during the Dayton peace process, which ended the war in Bosnia-Herzegovina in 1995, hard-liner Kosovo Albanians embarked on an armed struggle in the second half of the 1990s to internationalise their 'cause'. The Kosovo Liberation Army (KLA or UÇK in Albanian), formed with the support of the diaspora in the West in the early 1990s, started their attacks on Serbian police forces in 1996. The harsh response of Milošević, which the KLA anticipated, resulted in the internationalisation of the conflict, prompting NATO's military action to stop human rights violations on 24 March 1999.

[82] Bogdan Denitch, *Ethnic Nationalism: The Tragic Death of Yugoslavia*, (Minneapolis: University of Minnesota Press, 1996), p. 116.
[83] Kostovicova, 2002, pp. 166-9.

Undertaken with no explicit UN Security Council authorisation, NATO's intervention in Kosovo lasted until early-June when Slobodan Milošević agreed to the terms of a peace plan, calling for the withdrawal of Serbian forces and establishment of an interim international administration. The construction of a multi-ethnic society in Kosovo has since then been emphasised by the international community to promote sustainable domestic and regional peace. In the following section, the aspects of the international community's engagement in constructing a multi-ethnic Kosovo society in the post-NATO intervention period will be investigated.

6.3. Building a 'Multi-Ethnic' Society in Kosovo

In accordance with the framework outlined in Chapter 2, the issues of social reconciliation, social communication and creating a unifying collective identity are investigated to analyse the aspects of the process of nation-building in Kosovo in the post-1999 period.

6.3.1. Reconciliation: Inter-Ethnic Relations in the Post-Armed Conflict Period

As discussed in Chapter 2, building sustainable peace in war-torn territories such as Kosovo requires the undertaking of a challenging task of transforming relations from antagonistic to accommodative and creating a sense of community and belonging through addressing and reconciling past differences in the post-armed conflict period. To this end, since the early days after NATO's intervention, members of the international community frequently repeated the need for building a multi-ethnic Kosovo society characterised by the recognition and exercise of equal political, economic, civil and cultural rights and opportunities, and inter-communal tolerance to establish long-lasting peace.

In this regard, it is important to note that although the focus has so far been on the Serb-Albanian relations due to the fact that the roots of the Kosovo conflict lie in their competing sovereignty claims, shaped by conflicting national discourses, Kosovo hosts a number of other ethnic groups, albeit in smaller sizes. They have lived in the territory for centuries and share vital interests in the political future of the

province. Kosovo's population of some two million includes not only Albanians (88%) and Serbs (7%) but also Muslim Slavs (Bosniacs or Torbeshi and Goranis) (1.9%), Roma, Ashkali and Egyptians (RAE) (1.7%), and Turks (1%).[84] Wedged in the middle of a constant power struggle between the Serbs and Albanians in the past, these smaller groups have tried to find their place in the newly emerging political and social environment in the post-NATO-intervention, which has changed in favour of the Albanians, while also struggling to maintain their cultural, ethnic and religious existence and identity.

It is also worth noting that the use of the terms RAE and Bosniac / Torbeshi as a form of 'ethnic categorisation' is a very recent phenomenon, which has come into existence following the establishment of UNMIK (United Nations Interim Administration Mission in Kosovo) in June 1999. Members of the Roma and Muslim Slav populations were targeted for revenge attacks by the Albanians following the withdrawal of the Serb military and police forces from the province. For many Kosovo Albanians, the Roma were the collaborators of the Milošević regime: "accused of carrying out the dirty work, such as disposing of bodies, they were tainted by association with the regime in Belgrade".[85] Muslim Slavs speaking the same language with the Serbs were also targeted and forced to leave Kosovo. This resentment of the Albanians towards the Roma and Muslim Slavs, accused of having sided with the Serb forces during their acts of destruction during the war in 1998-99, led the Albanian language speakers of the Roma population to distinguish themselves from the Roma-speakers and emphasise themselves as the Ashkali and Egyptians. In the same way, Bosniacs tended to stress their differences from Goranis and identify themselves as Bosniacs or Torbeshi. These acts of differentiation indicate the smaller

[84] Due to the absence of a recent official census in Kosovo, there are no reliable population figures in the province. The figures mentioned in the text are taken from Statistical Office of Kosovo, *Kosovo and Its Population*, (2003), pp. 2-3, available at http://www.ks-gov.net/esk/esk/pdf/english/population/Kosovo_population.pdf [accessed 13 March 2007]. On the homepage of the Statistical Office of Kosovo (http://www.ks-gov.net/esk/ retrieved on 13 March 2003), the population of Kosovo is estimated to be 2.1 million and its breakdown is shown in the following way: Albanians (92 %), Serbs (5.3%) and 'others' (2.7%).

[85] Organisation for Security and Cooperation in Europe (OSCE), Human *Rights in Kosovo: As Seen, As Told*, Vol. 2, 14 June – 31 October 1999, (5 November 1999), p. xi. See also, UNHCR / OSCE, *Preliminary Assessment of the Situation of Ethnic Minorities in Kosovo*, (26 July 1999), available at http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=SUBSITES&id=3c3c552f4 [accessed 15 February 2007]. This attitude towards the Roma still prevails among the Albanians. During my discussions with several Albanian university students in Pristina in September 2006, they said that "while the Serbian military chased, gypsies killed the Albanians during the NATO campaign".

communities' efforts to prevent their exclusion by the majority Albanians through distinguishing themselves from the 'guilty' and emphasising their 'innocence' as well as 'victimhood' under the repressive Milošević regime.

This trend for ethnic differentiation was also paralleled by a dramatic decline in the number of non-Albanian populations. Although multi-ethnicity is not simply about the size of ethnic groups, the declining proportion of non-Albanian groups in the post-NATO intervention period suggests a trend towards a 'mono-ethnic' rather than a multi-ethnic Kosovo. Almost all of Kosovo's Croats, most of whom had already left for Croatia during and after the wars in Croatia and Bosnia-Herzegovina in the early-1990s,[86] fled from the province due to the continued harassment and attacks of extremist Albanians following the establishment of the international administration. Of approximately 200,000 Serbs, some 130,000 Serbs stayed in Kosovo, living in northern municipalities and rural enclaves in the south.[87] Members of the Roma who were driven out from Kosovo after the war in 1999 have been the most vulnerable group in the UN-run province. A majority of them live below the poverty line and have limited access to health and education facilities. The total number of the registered and unregistered internally displaced Roma residing in Serbia and Montenegro varies between 26,000 and 80,000 because many of them did not have legal documentation when they left Kosovo.[88]

Ethnic Groups	Number	Percentage
Albanians	1,596,072	81.6%
Serbs	194,190	9.9%
Muslims	66,189	3.4%
Roma	45,745	2.3%
Montenegrins	20,356	1.1%
Turks	10,446	0.5%
Croats	8,062	0.4%
Others	15,136	0.8%
Total	1,956,196	100%

Table 6.1. Population Census in 1991 (Source: Julie A. Mertus, *Kosovo: How Myths and Truths Started A War*, (Berkeley, California: University of California Press, 1999)

[86] For example, approximately 2,200 Croats left Letnica in south-eastern Kosovo between May 1992 and May 1993. Duijzings, 2000, p. 52.

[87] Coordination Centre of Federal Republic of Yugoslavia and Republic of Serbia for Kosovo and Metohija (CCK), *Principles of the Program for Return of Internally Displaced Persons from Kosovo and Metohija*, (Belgrade, 20 November 2002), http://www.serbia.sr.gov.yu/coordination_centre/index.html [accessed 5 March 2007].

[88] Coordination Centre of Federal Republic of Yugoslavia and Republic of Serbia for Kosovo and Metohija (CCK), *Principles of the Program for Return of Internally Displaced Persons from Kosovo.*

Under these circumstances, it has become extremely difficult to instigate multi-ethnicity based on the notion of peaceful co-existence and interaction of ethnic groups. In fact, for many Albanians, the international community's emphasis on multi-ethnicity, which Veton Surroi, one of the most influential moderate Albanian journalists, argued, was not much different from the socialist Yugoslav leadership's attempt in the past to transform ethno-national identities through imposing a socialist identity from above:[89]

> I would advocate a tolerant Kosovo, but not necessarily a multi-ethnic one. This reminds us of "brotherhood and unity" in socialist Yugoslavia, which failed in flames as we have seen. There is a realistic life for Serbs here. Unfortunately it will be a longer process than we originally foresaw. It is also very painful because at the same time Serbs from Kosovo have to define their local identity. Before they were always defined as Milosevic's Serbs.

In addition to this perception of multi-ethnicity by the majority population, the persistence of a "political war", which, Surroi suggested to have succeeded "the war with bombs",[90] further inhibited the prospect of creating a multi-ethnic society, based on the recognition of the diverse character of society and participation and inclusion of diverse groups in every aspect of life. It has remained a desirable but an unrealistic vision confined in the speeches of members of the international community. This "political war", as will be discussed in the next chapter, was not only about the exercise of power and struggle for dominance within the Albanian nationalist leadership but also related to Kosovo's future political status. Both Serbs and Albanians, motivated by a wish to maximise their interests and strengthen their political position in a climate of uncertainty arising from the lack of clarity over the issue of Kosovo's political status, were influenced by zero-sum logic; 'one's gain is the other's loss'.[91] Focusing on securing independence, the Kosovo Albanian leadership failed to instigate a robust policy of sanctioning the rule of law and gain the confidence of the Serb community in the newly established provisional self-governing institutions. The Serb leadership in Belgrade, which was in favour of restoring the Serbian control over Kosovo, supported 'parallel' administrative and

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[89] "Interview: Still Building the New Kosovo", *Institute for War and Peace Reporting (IWPR) Balkan Crisis Report*, 127, (24 March 2000), available at http://www.iwpr.net/?p=bcr&s=f&o=247691&apc_state=henibcr2000 [accessed 24 March 2007].
[90] Quoted in International Crisis Group, "Kosovo's Ethnic Dilemma: The Need for A Civic Contract", Balkans Report No. 143, (Pristina / Brussels, 28 May 2003), p. 1.
[91] Ibid., pp. 2-4.

institutional structures in the UN-run province to secure territorial division in the event of the recognition of statehood to Kosovo. The Kosovo Serb political leadership, which fragmented between pro-Belgrade radicals and moderates, failed to emerge as a political actor with a clear strategy. This "political war" curtailed the whole process of post-conflict reconstruction and of generating a sense of community.

With regards to the international community's responsibility for the rise of this 'zero-sum' attitude, it is important to note that despite its strong emphasis on multi-ethnicity and integration, the international community failed to initiate institutional instruments and practical policies that would create incentives for this purpose; creating a sense of cohesion across diversity. The international community introduced a set of benchmarks to improve the capacity of Kosovo's political institutions to effectively and democratically function and expected that this would promote the notion of multi-ethnicity in the UN-run province. The international community's approach to multi-ethnicity, however, had serious flaws. First, there was no clearly identified implementation plan for the benchmarks. Secondly, they did not clarify the issues of how to ensure minority rights are respected and guaranteed by the provisional institutions. And lastly, they were imposed by the international community rather than voluntarily formulated and adopted by the majority Albanians.[92] What Kosovo needed, the International Crisis Group suggested in this respect, was a "civic contract" that would create a "real institutional space with credible guarantees" and alleviate inter-ethnic tension through pursuing a system of incentives and sanctions to ensure the fair treatment of minorities and their participation in very aspect of life.[93]

As noted in Chapter 2, the recognition of the diverse character of society, which entails the acceptance of differences in ethnicity, language, religion and culture through the codification and adoption of formal principles and rules, is a significant aspect of creating a sense of cohesion across diversity. As it was also noted, the development of a sense of social cohesion and belonging also requires meeting the diverse needs of members of these ethnic or other social groups and their inclusion and participation in every aspect of life. In the case of Kosovo, the majority

[92] Ibid., p. 22.
[93] Ibid, pp. 21-27.

Albanians, who have strived for independence, tended to see institutional and constitutional initiatives adopted to protect the rights of Serbs and other ethnic groups as concessions to secure the favour of the international community rather than something that minorities deserve. The Serbs, for their part, have not adopted their minority status within Kosovo and tended to see the Albanians as a minority within a majority Serb state. They did not engage in the international community-supervised institutions and believed that the province would be returned to Serbia or partitioned.[94] The ambiguity on the issue of Kosovo's political status further complicated the already fragile inter-ethnic relations and political stability. It encouraged extremist forces in both communities to exploit popular frustration with uncertainty and disappointment with the insufficient progress in the political and economic development of the province and to turn the situation to their benefit as much as they could. This, in turn, created a political impasse.

Ethnic segregation fuelled by volatile conditions of security and restricted freedom of movement, has constituted the most serious challenge to achieving reconciliation and sustaining a multi-ethnic Kosovo in the post-NATO intervention period. The international community's failure to prevent the acts of violence against members of non Albanian groups during the early stages of the UN mission deeply affected the prospect of the multi-ethnic vision. According to UNHCR figures, over 200,000 people fled from Kosovo into Serbia proper and Montenegro to escape from the NATO bombing and the subsequent revenge attacks in the post-NATO intervention period following the withdrawal of Serb authorities.[95] Those who stayed in Kosovo, as noted earlier, moved to northern municipalities or clustered together in rural enclaves in the south. Leading to the segregation of ethnic groups, the formation of these isolated, Serb-dominated areas fuelled a growing fear of territorial partition among the Albanians.[96]

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[94] Ibid., pp. 16-21.

[95] Office for the Coordination of Humanitarian Affairs, *Humanitarian Situation, Protection and Assistance: Internally Displaced Persons*, Humanitarian Risk Analysis No. 18, (Belgrade, 26 April 2002), p. 8, citing UNHCR Registration (2000) and UNHCR Statistics, (January 2002).

[96] Juan Pekmez, "The Intervention by the International Community and the Rehabilitation of Kosovo", *The Rehabilitation of War-Torn Societies A Project Coordinated by the Centre for Applied Studies in International Negotiations (CASIN)*, (Geneva, January 2001), p. 10.

Picture 6.2. The Ibar River in northern Kosovo, dividing the city of Mitrovicë / Mitrovica into two parts; the Serb-dominated north and Albanian-dominated south (Photo taken by the author on 14 September 2006).

Picture 6.3. A Serb enclave in south-western Kosovo, Shtërpcë / Štrpce (Photo taken by the author on 11 September 2006).

Picture 6.4. In Serb-dominated northern Mitrovicë / Mitrovica, Serbs use their Serbian vehicle plates and change it to a Kosovo one if they "have to" drive through Albanian-dominated areas (Photo taken by the author on 14 September 2006).

Picture 6.5. Heavily armed French KFOR (NATO-led Kosovo Force) troops positioned around the main bridge over the Ibar River responsible for maintaining peace and security in Mitrovicë / Mitrovica (Photo taken by the author on 14 September 2006).

As will be discussed further below, Kosovo's experience of post-conflict reconstruction in the post-1999 period exemplifies the extent to which issues, arising from the interaction of the processes of state-building and nation-building that the territory has undergone in the post-war period, affect the prospects for building sustainable peace and stability. It indicates the impact of problems with enforcing law and order and executing the rule of law on creating a sense of community around shared values and concerns and reducing the strength of ethnic, religious or other differences.

Although the number of ethnically-motivated crimes including murders had rapidly declined,[97] the international community failed to achieve a sustainable improvement in security conditions for the minority groups. Attacks on the buses used by the Serbs and Roma despite the KFOR escort were occasionally reported by international agencies.[98] This situation, which reflects the restriction of the exercise of the fundamental right of freedom of movement and their access to public services, encouraged the Serbs to establish and sustain their separate systems. Setting up their own parallel structures of education and health funded by Belgrade, as the Albanians did in the 1990s, the Serbs developed a segregated social life.

Attacks against the Serbs and Roma as well as religious sites and monasteries never ceased during the international administration of the territory, exacerbating in the violent riots in March 2004. The inability of international community and Kosovo's security institutions to provide a sustainable improvement in peace and security, in turn, fed the feeling of insecurity among members of the minority groups. The international community's and Albanian-dominated provisional institutions' failure to bring those responsible for murders of Serbs to justice made the situation worse, creating an atmosphere of impunity for perpetrators. Regarding the capacity to set the rule of law as a basic principle to facilitate normalising inter-ethnic relations, a senior UN police officer said the following:

> "…inability and/or lack of enthusiasm of UNMIK and Kosovo's provisional institutions to try and punish those who committed ethnically-motivated crimes in the past led many Albanians to conclude that that they would get away with whatever they do to the members of minority communities specifically the Serbs and Roma…UNMIK's and the Albanian-dominated institutions' inability and lack of sufficient commitment to setting and implementing the rule of law as the 'core' political and social principle in the province, encouraged the persistence of complete indifference on the side of the Albanian people regarding crimes committed and violence directed against the Serbs or other minorities but too much concern with anything happens to an Albanian. They have a tendency to link any petty offence committed by a Roma or Serb with ethnicity or politics even if it has nothing to do with it and punish Serbs or Roma seen responsible for harming an Albanian without trial as witnessed during the March 2004 riots sparked by the drowning of three Albanian children allegedly being chased by a group of Serbs with a dog."[99]

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[97] According to NATO figures, the murder rate in Kosovo which was 50 persons per week in June 1999 declined to five per week in March 2000. For further information, see Lord Robinson of Port Ellen, "Kosovo One Year On: Achievement and Challenge", (21 March 2000), p. 16, available via http://www.nato.int/kosovo/repo2000/index.htm [accessed 25 March 2007].

[98] See for example, United Nations High Commissioner for Refugees (UNHCR), *Update on the Kosovo Roma, Ashkaelia, Egyptian, Serb, Bosniak, Gorani and Albanian Communities in a Minority Situation*, (Kosovo, June 2004).

[99] Interview with a senior UNMIK police officer, (Prishtina / Priština, 6 September 2006).

Encouraging the return of displaced persons has been a significant component of the international community's agenda for promoting reconciliation and creating a multi-ethnic society in Kosovo. However, despite gradual improvements in security, the international community and Kosovo's provisional institutions failed to create a sustainable secure environment and charge those responsible for previous murders of Serbs. This not only discouraged the Serbs and other non-Albanian 'refugees' to return to the province but also was used by Belgrade to encourage the Serbs to keep their parallel structures in place and maintain their isolated life. This, in turn, led to the evaporation of hopes for building a peaceful, democratic and multi-ethnic society at least in the near future.

In this respect, it is worthwhile noting the court decisions for the March 2004 violence-related cases. According to the OSCE records, as of 18 November 2005, 426 persons were charged with criminal offences related to the riots. Of the 316 cases concluded, 209 resulted in convictions and 12 in acquittals. In a majority of the riot-related cases, the court sentences were "below the minimum" applicable penalty established by the law.[100] The court decisions, which lacked "a proper justification" for mitigated punishment, "failed to send out a clear message of condemnation for such violent behaviour",[101] and contributed to the rise of a sense of impunity among the population regarding ethnically-motivated violence.

The absence of an agreed settlement on the province's political status and the security situation hindered the achievement of reconciliation in Kosovo. As will be discussed in the following section, fuelling the segregation and polarisation of ethnic groups, these two factors prevented the establishment of channels of inter-ethnic communication in the province.

[100] OSCE, *The Response of the Justice System to the March 2004 Riots*, (December 2005), http://www.osce.org/documents/mik/2005/12/17177_en.pdf [accessed 28 March 2007].
[101] Ibid., p. 34.

6.3.2. *Implications of the Lack of Social Communication for Building a Multi-Ethnic Kosovo*

As noted in Chapter 2, collective identities are not fixed or given but socially constructed and they link individuals, coming from diverse backgrounds, to a group of people on the basis of shared characteristics and differences from other groups of people.[102] Social communication, which Deutsch defined in terms of the capacity of individuals to communicate effectively over a range of issues with each other, is a significant element of the construction of a sense of a shared identity and belonging.[103] In the case of conflict-torn societies such as Kosovo establishing contacts and communication to facilitate reconciliation and promote the notion of peaceful co-existence of ethnic groups becomes a significant as well as challenging aspect of creating a sense of social cohesion. As discussed earlier, since the early-1990s, Kosovo's Serbs and Albanians already had limited contact and they were socially and politically segregated. These divisions accentuated during the course of the war in 1998/9 and were felt more strongly during the administration of the territory by the UN.

Kosovo's urban centres, mostly populated by the Albanians, have been far from having the conditions conducive to generating and encouraging a positive interaction between ethnic communities and promoting the notion of peaceful co-existence. Excluding international staff members, except Prizren and ironically northern Mitrovicë / Mitrovica, Kosovo's towns, inhabited by some 40% of the population, do not present a cosmopolitan, multi-ethnic character. As noted earlier, following the withdrawal of Serbian authorities from the province, tens of thousands of Serbs, living in the capital Prishtina / Priština and other major towns, either left the province for Serbia proper and Montenegro or moved to northern municipalities and ethnically segregated but safe enclaves in rural areas in northern and south-western municipalities, leaving the Serb-dominated northern Mitrovicë / Mitrovica as the only urban area where Serbs reside. Divided along the Ibar River, northern Mitrovicë / Mitrovica ironically offers a picture of a multi-ethnic urban centre in Kosovo, at least in terms of the existence of members of different ethnic groups. According to

[102] Smith, 1991; Guibernau, 1996; Miller, 1995.
[103] Deutsch, 1953.

data provided by OSCE, northern Mitrovicë / Mitrovica's population of approximately 20,000 people is made up of 17,000 Serbs (of whom between 5,000 and 7,000 are internally displaced) and 3,000 'others' (Bosniacs, Goranis, Turks, Roma and Ashkali, and Albanians).[104]

Picture 6.6. A scene from the KFOR-protected 'multi-ethnic marketplace' located in the 'confidence area' in northern Mitrovicë / Mitrovica where Serbs, Albanians and Bosniacs trade (Photo taken by the author on 14 September 2006).

Picture 6.7. One of the three apartment blocks in northern Mitrovicë / Mitrovica where Albanians and Serbs continue to reside despite their "occasional involvement in verbal fights" (Photo taken by the author on 14 September 2006).

Approximately 60% of Kosovo's population of some 2 million, who live in rural areas with a high incidence of poverty, depend on subsistence agriculture.[105] The share of people living in extreme poverty (defined by percentage of those living on less than US$ 1 per day) and that of less extreme poverty (measured by unemployment rate and percentage of those living on US$ 2 or less a day) is much higher in rural areas than urban centres.[106] With regard to the breakdown of level of extreme poverty among ethnic communities, it is recorded highest among the RAE community, which as elsewhere in south-eastern Europe is the most vulnerable community in Kosovo. The highest percentages of less extreme poverty are recorded among the Gorani, Bosniac and Turkish communities. The Serbian-dominated northern municipalities score the lowest rate of less extreme poverty. According to

[104] OSCE, *Municipal Profile Mitrovicë / Mitrovica*, (June 2006), p. 2, available at http://www.osce.org/documents/mik/2005/12/1191_en.pdf [accessed 12 May 2006].
[105] United Nations Development Programme (UNDP), "The Rise of the Citizen: Challenges and Choices", *Human Development Report Kosovo 2004*, (Pristina: UNDP, 2004), p. 7.
[106] Ibid.

official data, unemployment rate throughout Kosovo reached 39.7 %, while some other sources estimate it at up to 44%.[107] The youth unemployment level is 10% higher than the average unemployment rate.[108] These poor conditions of economic and social development and few prospects for employment and education opportunities available in rural settlement encourage Kosovo's youth to migrate to urban centres or abroad. However, suffering from poverty and a high unemployment rate, Kosovo's towns, do not have much to offer to the incoming youth. According to official figures, as of early-2006 the number of unemployed totalled 324,000, of which 29% were young people numbering some 94,000.[109] Demonstrating an inverse relationship with the increase in labour force resulting from the entrance of a number of young people to the market every year, the number of jobs offered has declined since 2003. While 7,848 and 8,400 jobs were offered respectively in 2003 and 2004, 7,121 vacant positions were offered in 2005.[110]

As noted earlier, Kosovo's towns do not seem to present a multi-ethnic picture. Except for Mitrovicë / Mitrovica, which is a *de facto* divided city between the Serbs and Albanians, there is no other town in Kosovo where Serbs constitute a significant portion of the urban residents. A majority of the Serbs continue to live in isolated rural municipalities. Ethnic segregation, inhibiting the prospects of facilitating an inter-communal dialogue and social communication, in return, has served to evaporate the hopes for creating a multi-ethnic society in Kosovo, making it perceived as a 'dream' of the international community.

Since the establishment of UNMIK, the Kosovo Serbs and Albanians have had virtually no contact. Although some Albanians and Serbs, mostly the elderly, have some contacts, especially in business, they keep their contacts secret "in order not to be excluded by their communities".[111] As the below UNDP opinion poll results indicate, the Albanian community has the least contact with other ethnic groups. They are also the most distanced group to the notion of 'living in the same street with the Serbs'. As also shown below, Kosovo Albanian youth, educated in

[107] UNDP, "Youth: A New Generation for A New Kosovo", *Human Development Report 2006*, (Prishtina: 2006c), p. 61.
[108] Ibid., p. 63.
[109] Ibid.
[110] Ibid., p. 64.
[111] Interview with a 76-year old Serb businessman in northern Mitrovicë / Mitrovica, (14 September 2006).

separated schools and influenced by the memories of ethnic discrimination by the Serbian state against their community in the 1990s and the violence and destruction during the war, are noticeably opposed to the notion of forming friendships or any other type of relationship with members of other ethnic groups compared with the Serbs.

	Albanians	Serbs	Others
On more than three occasions	11.0%	40.9%	59.2%
One to two occasions	10.6%	33.5%	20.4%
No contact	77.0%	25.1%	18.4%
Deliberate avoidance of contact	1.4%	0.5%	2.0%

Table 6.2. Frequency of inter-ethnic contacts in the last three months (Source: UNDP, "Early Warning Report Kosovo July-September 2006", Report No. 14 (Prishtina, 2006e), p. 35, available via http://www.kosovo.undp.org/?cid=2,42 [accessed 15 May 2006]).

	Dec 2002		Dec 2005		June 2006		Sep 2006	
	Albanians	Others	Albanians	Others	Albanians	Others	Albanians	Others
Agree	9.90%	42.00%	41.00%	64.50%	48.77%	61.20%	43.9%	83.2%
Disagree	90.10%	58.00%	59.00%	35.5%	40.66%	26.78%	49.1%	7.1%

Table 6.3. Readiness to live with the Serbs in the same street (UNDP, 2006e, p. 35).

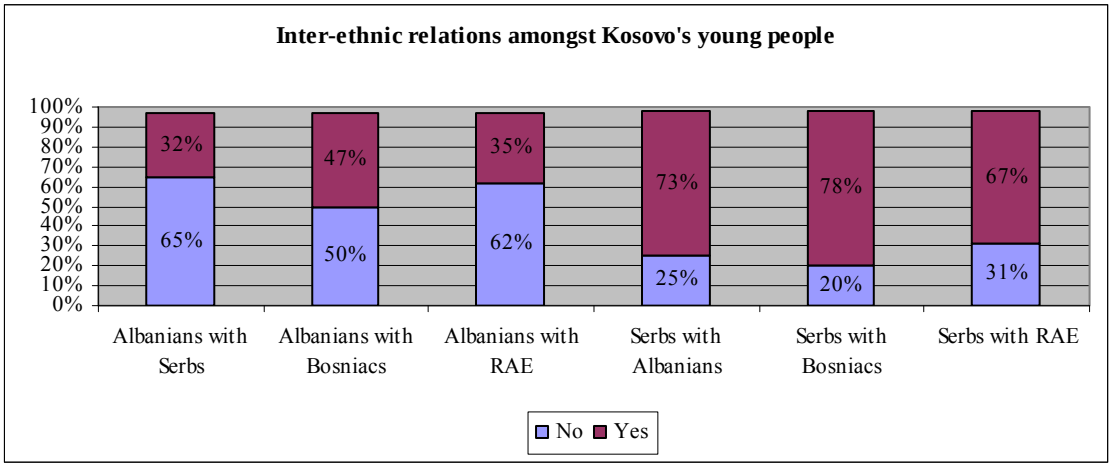

Chart 6.1. Willingness to form relationships with members of other ethnic groups (Source: UNDP, "Youth: A New Generation for A New Kosovo", *Human Development Report 2006*, (Prishtina: 2006c), p. 25.)

The lack of communication between the Serbs and Albanians, in turn, has led to the maintenance of prejudices in both communities and the persistence of an attitude of blaming each other responsible for insufficient progress in normalising inter-ethnic relations and of pessimism about the future of relations. Exacerbating the distance between the two communities, this situation has encouraged "nationalist

mythmakers" on both sides, who "only recalls the grievances suffered from the Mr. Hyde element in the other", to fuel mutual distrust by demonising the "other" and portraying their own group as exclusive victim of domination by the "other".[112] Rather than confronting and accepting their own responsibility, both sides have tended to blame each other for poor inter-ethnic relations during the administration of the territory by the UN. According to the results of an opinion survey by the UNDP shown below, while Kosovo Albanians view Belgrade's influence and Serbs' lack of readiness for integration into society as the two most important factors causing tense inter-ethnic relations, Serbs blame Albanian leaders' attitude and insufficient efforts by the Albanians for societal integration.

	Sep 2004		Dec 2005		June 2006		Sep 2006	
	Albanians	Serbs	Albanians	Serbs	Albanians	Serbs	Albanians	Serbs
Insufficient efforts by Albanians for integration of Serbs	1.4%	51%	3.2%	33.3%	1.9%	29.6%	2.2%	37.6%
Lack of readiness by Serbs for integration into Kosovo society	42.5%	0%	32.8%	0%	20.7%	7.9%	27.6%	1.7%
Attitude of Albanian leaders	1.7%	42.5%	1.4%	60.9%	0.6%	36.1%	1.3%	47.5%
Attitude of Serb leaders	11.9%	0%	9.7%	1.6%	5.2%	0.5%	7.8%	3.9%
Belgrade's influence	39.4%	0%	52.7%	0.5%	59.2%	15.3%	55.5%	2.2%

Table 6.4. The factors causing tense relations between Albanians and Serbs (UNDP, 2006e, p. 33).

In this context, it is worthwhile noting the role of the separate education systems and of the Serbian and Albanian media dominated by politics in the maintenance of this 'culture of victimisation', prejudices and stereotypes, and thus, ethnic and cultural distance. Parallel institutions of education in Kosovo are a legacy of the past. As mentioned earlier, the Albanians in the early 1990s, following the suspension of the province's autonomy, formed their parallel schools, which became the centres of resistance to Serbian rule. As will be explained later in the language section, Kosovo Serbs, in the post-NATO intervention period, established their parallel structures of education, politically and financially supported by Belgrade. The maintenance of parallel schools in the Serbian enclaves, which frustrates the Albanians since it indicates the Serbs' defiance to recognise the jurisdiction of

[112] Duška Anastasijević, "Good Policies Needed Before Good Practices Can Thrive in Kosovo", Nenad Dimitrijevic and Petra Kovács (eds.), *Managing Hatred and Distrust: The Prognosis for Post-Conflict Settlement: the Prognosis for Post-Conflict Settlement in Multiethnic Communities in the Former Yugoslavia* (Budapest: Open Society Institute, 2004), p. 105.

Kosovo's provisional institutions, has served to keep ethnic antagonisms and hatred alive amongst the members of both communities, specifically the youth, in the post-intervention period. As one of the prominent Albanian journalists, Baton Haxhiu, puts it, the schools in Kosovo were "built with wrong history, the wrong message, and a lot of poetry and music about heroes [producing] hate speech and hate diplomas".[113] This situation has contributed to the persistence of a climate of mutual distrust and prejudices in the last eight years.

Dominated by politics and politicians, the media in Kosovo provide virtually no information on social issues such as health, education, technology and the environment.[114] Until 1999, there was only one TV station in Kosovo, broadcasting in Serbian with a daily half-hour news programme in Albanian since 1990 when the Serbian Parliament adopted a series of decrees, resulting in the ban of the Albanian language newspaper and cessation of radio and TV broadcasts on Radio TV Priština.[115] Operating under the regulation of the Independent Media Commission, there are a total of 116 licensed broadcasters in Kosovo,[116] of which 73 broadcast mainly in Albanian, 35 mainly in Serbian, 3 in Bosnian, 3 in Turkish and 2 in Gorani.[117] However, the existence of more broadcasters does not necessarily mean more communication and exchange of information between Kosovo's ethnic communities. The Serb community in northern municipalities is mostly informed by the news broadcasted directly from Serbia (Radio Television of Serbia – RTS), often conveying inflammatory nationalist statements of Serbs officials[118] or by the local Serbian language media with a pro-Belgrade line.[119] Similar to the Albanian media, the Serbian media operates in a political context, providing virtually no information

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[113] Quoted in International Crisis Group, "Collapse in Kosovo", ICG Europe Report No. 155, (Pristina, Belgrade, Brussels, 22 April 2004), p. 32.
[114] US Agency for International Development (USAID), *Kosovo Media Assessment, Final Report*, (Burlington, Vermont, March 2004), p. 5.
[115] OSCE, *Local Electronic Media in Kosovo*, (August 2005), p. 11, available at http://www.osce.org/documents/mik/2005/08/16222_en.pdf [accessed 12 May 2007].
[116] The breakdown of broadcasters operating in Kosovo is as follows:
3 Kosovo-wide TV channels (1 public and 2 private), 4 Kosovo-wide radio stations (2 public and 2 private), 17 local TV channels, 74 radio stations, 2 low power televisions, and 16 low power radio stations. See, Independent Media Commission, *Independent Media Commission Annual Report 2006*, (28 February 2007), p. 13.
[117] Independent Media Commission, (2007), p. 14.
[118] UNDP, Early Warning Report: Kosovo July-September 2006", No. 14 (Prishtina, 2006), p. 34; Arsic and Tanja Matic, "Belgrade Media".
[119] USAID, 2004, p. 21.

on the daily life in the province. A report by the Youth Initiative for Human Rights (YIHR)[120] analysing the media reporting in Serbia and Kosovo between December 2003 and March 2005 shows that the Serbian print media were "often dominated by 'conspiracy theories'",[121] largely marked by hate speech, misinterpretation of facts, distorted information and a disregard of events, thereby, promoting Belgrade's policy towards Kosovo and keeping alive a "truth about Kosovo" rooted in national myths.[122]

Focusing on the issues of war crimes, missing persons, the Kosovo Serbs' rejection of Prishtina / Priština's authority during the period between 2003 and 2005,[123] and on the status talks between Prishtina / Priština and Belgrade and decentralisation in 2006,[124] the Albanian printed media in Kosovo, similar to the Serbian media, operates in a political context. Portraying a positive picture of the returns process, the Kosovo Albanian media during the period 2003-2005 largely ignored the problems of minority communities, failing to develop a critical approach towards the problems with achieving inter-ethnic integration in the post-war period in general and the question of why the Kosovo Serbs still residing in Belgrade hesitate to return to Kosovo in particular.[125] Although the adoption and implementation of the international community-led professional standards and legal framework had a positive impact on professionalism, the media in Kosovo operates in a sensationalistic style and provides "shallow information" on the position of minority communities and attitudes of local politicians.[126] Partial treatment of sensitive political issues, ignorance of some facts, and the use of derogatory language mostly in editorials by some of the media outlets, which could be considered hate speech, still remain as the most serious hurdles to the development of a professional Kosovo Albanian media,[127] thereby, impeding the creation of a positive atmosphere conducive to developing mutual understanding and social communication.

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[120] Youth Initiative for Human Rights (YIHR) is a regional NGO operating in Serbia, Kosovo, Montenegro and Bosnia-Herzegovina. For detailed information, visit http://www.yihr.org/ [accessed 25 March 2007].
[121] Youth Initiative for Human Rights (YIHR), *Journalists Can Do It*, (Belgrade-Prishtina, 2005), p. 457.
[122] Ibid., 447.
[123] Ibid., pp. 519-20.
[124] Idem, *Serbian Print Media's Reporting on Kosovo: March-June 2006*, Report No. 17, (2006).
[125] YIHR, 2005, pp. 519-526.
[126] Ibid., p. 519.
[127] Ibid., p. 621; Idem, 2006, p. 11.

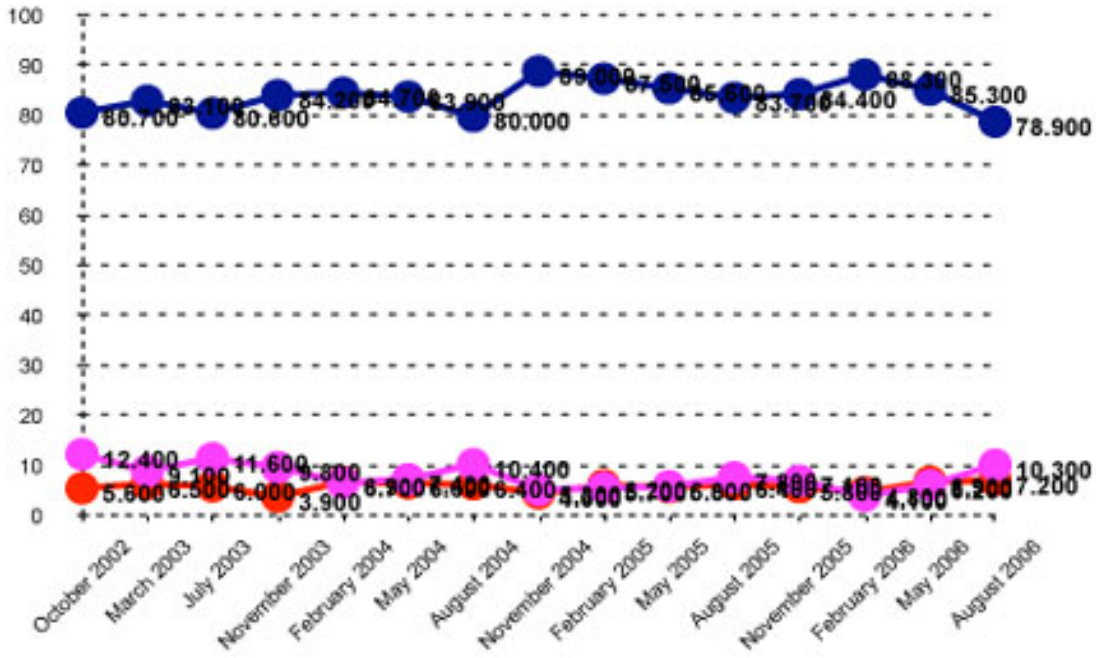


Chart 6.2. Main Source of Information in Kosovo (Source: Index Kosova, "Media Survey in Kosova", (September 2006), available at http://www.indexkosova.com/Publications/Pub_sep2006.html [accessed 20 May 2007].

With regard to the responsibility of the international community for the lack of progress in initiating social communication, it is worth mentioning here the international community's insufficient capacity to generate incentives to bring the Serbs and Albanians together at least around shared problems. As the below table on the perceived paramount problems Kosovo faces indicates, there were several areas, which could have been treated as cross-cutting areas of convergence to develop sustainable channels of inter-communal dialogue and a common platform for cooperation. Although the Albanians and Serbs have had fundamental political differences such as the issue of who has the right to govern Kosovo, they had several issues in common such as poverty, growing unemployment problems and frequent power cuts. The existence of 'parallel' structures in northern municipalities, as will be discussed in the next chapter, hindered the capacity of the provisional institutions to exercise political authority and extend services to all communities throughout the entire territory of Kosovo. These parallel structures, which served as alternative sources for social services, provided employment and revenue opportunities for the

Serbs in a context where minority unemployment reached over 90%.[128] Through creating some institutional and financial incentives, the international community could have encouraged the parties to cooperate for the benefit of all inhabitants of Kosovo. This may have helped to increase the capacity and effectiveness of the province's provisional institutions and achieve public trust and satisfaction with the political structures and eliminating 'parallel' structures, contributing to the emergence of a sense of an overarching identity around institutions seen to be capable of responding to social needs. However, approaching the issue of inter-ethnic hostility and strong ethnic identities in Kosovo as a fixed phenomenon, the international community tended to focus on multi-ethnicity at the institutional level and failed to create channels of communication at the community level through generating cooperation at least around shared concerns and problems.

	December 2002			August 2003			December 2004		
	Albanians	Serbs	Others	Albanians	Serbs	Others	Albanians	Serbs	Others
Uncertainty over final status	20.4	16.4	10.9	36.3	19.0	10.5	33.8	2.5	15.5
Unemployment	21.8	13.7	28.7	26.5	8.7	38.3	33.6	36.0	53.5
Poverty	11.2	7.9	15.9	15.4	12.0	22.2	14.3	6.9	16.3
Power supply	16.3	2.9	21.3	2.5	2.2	4.3	4.1	6.4	3.9

	December 2005			September 2006		
	Albanians	Serbs	Others	Albanians	Serbs	Others
Uncertainty over final status	29.3	7.2	14.9	40.59	5.9	17.3
Unemployment	30.7	8.2	52.5	34.3	19.79	42.0
Poverty	15.6	4.8	14.9	14.7	4.4	22.9
Power supply	5.0	0.5	2.8	-	-	-

Table 6.5. Opinions on the biggest issues in Kosovo (%) (Data compiled from UNDP, "Early Warning Report Kosovo, September-December 2002", Report No. 2, (2002), p. 31; Idem, Early Warning Report Kosovo, May – August 2003", Report No. 4, (2003), p. 28; Idem, "Early Warning Report Kosovo, September-December 2004", Report No. 8, (2004), p 32; Idem, 2005b, p. 32; Idem, "Early Warning Report Kosovo July-September 2006", Report No. 14 (2006e), p. 32).

In this context, it is important to note that the personal and public security situation was always ranked as the paramount problem by the Kosovo Serb respondents in the UNDP "Early Warning" reports. Failing to provide a sustainable improvement in security conditions, the international community was unable to alleviate the feeling of insecurity among the Kosovo Serbs, encourage them to participate in the political process and turn the issues of common concern into areas of cooperation. Contributing to the persistence of a climate of ethnic segregation and social exclusion, the absence of inter-communal contact and communication hampered the achievement of reconciliation.

[128] International Crisis Group, 2003, p. 5.

6.3.3. Constructing a Civic 'Kosovar' Identity

Following his party's victory in the October 2000 local elections, the late President Rugova, who was the leader of the passive resistance campaign against the repressive Milošević regime in the early 1990s, proposed a national flag for an independent Kosovo. The flag, which came to be known as the "Rugova flag" or the "flag of Dardania", bears the inscription "Dardania", the ancient word for Kosovo, on a two-headed eagle and a yellow star on a blue background. Rugova's proposal failed to generate support from other Albanian leaders and the general public. The day after his proposal, some municipal mayors put up the 'new flag' in streets but a group of former KLA veterans set fire to the flags they had collected in Phristina / Priština.[129]

Figure 6.3. The "Rugova flag" or the "flag of Dardania proposed by the late President Rugova in 2000.

Although Rugova's initiative was never recognised by the Kosovo Albanian leaders and the general public as a unique symbol representing Kosovo, a group of intellectuals started to openly discuss the issue of redefining the Kosovo identity separately from that of Albania. Several intellectuals such as Migjen Kelmendi, editor of "Who is Kosovar?" and Nexhmedin Spahiu, author of "Towards the Kosovar Identity", advocated the idea of the existence of a Kosovo identity distinct from Albania. Kelmendi suggests that in the past many Kosovo Albanians had the dream of unifying with Albania, but when they visited the country in the 1990s they had to accept the fact that they had a better life in Yugoslavia under Tito than the Albanians under Enver Hoxha and they had very little in common the impoverished people in Albania: "My father had told me about Albania as if it were a fairy tale

[129] "Kosovo Television Debate: Kosovar Flags and Symbols", *Balkan Investigative Reporting Network*, (Prishtina, 21 December 2005), http://www.birn.eu.com/en/1/50/135/ [accessed 10 November 2007].

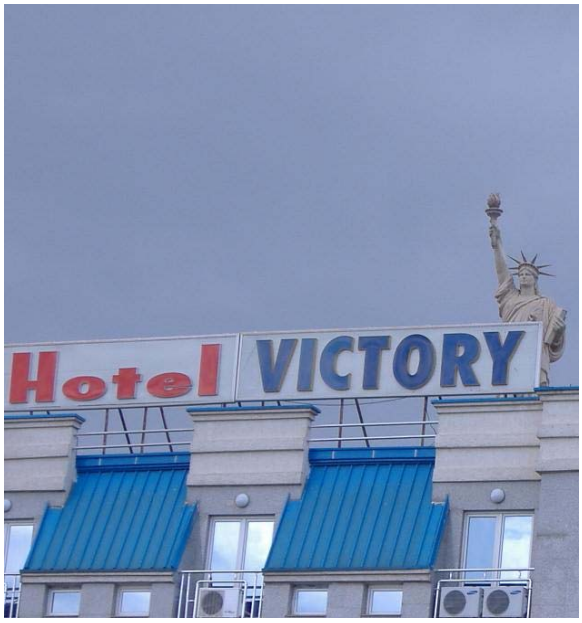
homeland…[w]hen I finally saw the so-called mother country, all I saw was a nightmare".[130] In the same way, in a televised debate in November 2005, Spahiu who stated that "I was raised to think we were one nation…[b]ut when I went to Albania they told me I was a Kosovar", argued for creating unique national symbols to avoid "ridiculous situations, especially in international meetings and affairs where both Kosovo and Albania are represented".[131] The initiatives of the intellectuals to discuss and develop an inclusive territorial identity and symbols that may be acceptable to all people in Kosovo did not find support from the Kosovo Albanian political leadership and Albanian community. The leader of the Democratic Party of Kosovo (PDK) and former political leader of the guerrilla army (KLA), for example, immediately reacted to these debates by saying that "A Kosovo identity does not exist".[132] The waving of the Albanian flag and the erection of a number of monuments commemorating the KLA guerrillas throughout the territory of Kosovo reflect the rising exclusive character of the collective identity that has gained strength among the Albanians in the post-1999 period.

Picture 6.8. The Albanian flag flying over the monument of a KLA martyr in Prishtina / Priština (Photo taken by the author on 6 September 2006).

[130] Quoted in Dan Bilefsky, "A Difficult Question for Kosovars: Who Are We?", *International Herald Tribune*, (9 December 2007).
[131] "Kosovo Television Debate: The Kosovar Identity", *Balkan Investigative Reporting Network*, (Prishtina, 9 November 2005), http://www.birn.eu.com/en/1/50/131 [accessed 18 January 2007].
[132] Alma Lama, "Identity Politics", *Transitions Online*, (17 March 2006), http://csees.net/?page=country_analyses&country_id=8&ca_id=2081 [accessed 21 January 2007].

In this respect, it is important to note that the KLA guerrillas are not the only 'heroes' that been commemorated through a set of cultural and political symbols in the post-1999 period. The US, which initiated NATO's military intervention to protect the Albanians from systematic human rights violations, has also been recognised with the naming of the main street after President Clinton and the erection of a replica of the Statue of Liberty on the rooftop of the Hotel Victory in Prishtina / Priština.

Picture 6.9. Bill Clinton Boulevard in Prishtina / Priština (Photo taken by the author on 5 September 2006).



Picture 6.10. Replica of the Statue of Liberty in Prishtina / Priština (Photo taken by the author on 5 September 2006)

Debates on the definition of the Kosovar identity have so far been confined to a small group of elites, failing to generate public support either among the Albanians or the Serbs, despite the fact that both Serbs and Albanians need to redefine their identity on the basis of new bonds and myths other than ethnicity with a view to safeguarding the prospect of a more peaceful and secure Kosovo. Instead, they continue to hold on to their exclusive group identities shaped by reference to the suffering and grievances of their ethnic group at the hands of the 'other' in the past and present. Given the persistence of parallel schools with separate curricula, it looks, at least in the near future, to be a 'too ambitious' project to develop a civic 'Kosovar' identity that would bring the people of Kosovo around a shared territorial

identity.

In the light of this information, in the next section, the ingredients of Serb and Albanian ethnic identities and their disintegrative and integrative aspects will be discussed.

6.3.3.1. History

As noted earlier, history is an important source of national identity for the Serbs and Albanians as well as other communities in the province and throughout south-eastern Europe. Both Serbs and Albanians construct their national identity in terms of their actual or perceived suffering in the past. Therefore, it would be fair to argue that, tied to competing narratives of myths, memories of victimisation and national discourses, history has rather disintegrative elements than integrative ones for the two communities.

Viewing Kosovo as the 'cradle' of their national and cultural identity, both sides construct their national identity on the basis of a 'glorious' past interrupted by foreign invasion and competing claims for continued settlement in the region. For the Serbs, Kosovo, dotted by a number of Orthodox churches, monasteries and religious sites, is their 'Jerusalem'.[133] For the Albanians, Kosovo, where the League of Prizren was established in 1878 to unite and defend the Albanian-populated lands against the expansionist territorial claims of their Orthodox Christian neighbours, is the birthplace of their national movement.[134] Expressing strong emotional, historical and cultural attachment to Kosovo, both sides stick to their own narratives of the past while treating the 'other' side's story as incomplete or false.

The question of "who came first" dominates both Serbian and Albanian historiography. Both sides argue that they are the 'natives' of Kosovo and treat each other as 'late-comers'. Claiming themselves as the direct descendants of ancient Illyrians, Albanians argue that they are the original inhabitants of Kosovo and consider themselves as the rightful inheritors of the lands where the ancient Illyrians used to live.[135] Since 1945, proving the continuity of Albanian settlement in modern

[133] Vickers, 1998, p. xii.
[134] Ibid. xiii.
[135] Miranda Vickers, *The Albanians: A Modern History*, (London; New York: I.B. Tauris, 1995), p.1;

day-Albania and the disputed territory of Kosovo dating back to the sixth century BC through establishing the link between the ancient Illyrians and modern Albanians has become a policy of Albanian archaeologists.[136] For the Albanians, the Serbs started to settle in Kosovo in the twelfth and thirteenth centuries and Kosovo was essentially populated by Christian Albanians in the fourteenth and fifteenth centuries.[137] In order to prove their claims for an unbroken settlement in the region, Albanian archaeologists also argue that the Dardanians, ancient inhabitants of Kosovo, western Macedonia and southern Serbia, were also an Illyrian people.[138]

For the Serbs, who, together with other Slavic tribes, arrived in the Balkans in the sixth century AD, Albanians were 'late-comers', arriving in the Kosovo region during the eighth century.[139] According to the Serbian theory, before they arrived in the region, Kosovo was almost an uninhabited territory. They argue that a few small Albanian communities that had lived in Kosovo and Macedonia until the fifth century AD retreated to the south into the mountains of the present-day Albania following the Slavic invasion in the sixth century.[140] To strengthen their argument based on history and culture, Serbs stress the absence of a medieval Albanian state while glorifying their kingdom established by the Nemanjic dynasty that reached its peak during the reign of Tsar Dušan in the first half of the fourteenth century. The Serbs argue that the Albanians started to return to Kosovo in the fourteenth century following the Ottoman conquest of the region after the Battle of Kosovo, and explain the change in the demographic structure in favour of the Albanians in the seventeenth and eighteenth centuries as a result of a migration of Islamised Albanians and the exodus of a great number of Serbs from the Kosovo region to the Habsburg lands in order to avoid reprisals by the Ottomans to punish their collaboration with the Austrians and Venetians.[141] Viewing religious conversions during Ottoman rule in

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Idem, *Between Serb and Albanian*, p. xiii, 2; Arshi Pipa "The Other Albania: A Balkan Perspective", Arshi Pipa and Sami Repishti (eds.), *Studies on Kosovo*, (Boulder: East European Monographs, 1984), p. 241; Židas Daskalovski, "Claims to Kosovo: Nationalism and Self-Determination", Florian Bieber and Židas Daskalovski (eds.), *Understanding the War in Kosovo*, (London: Frank Cass Publisher, 2003), p. 18, 23.

[136] Vickers, 1995, p.1.

[137] Pipa, 1984, p. 241; Daskalovski, 2003, p. 18.

[138] Vickers, 1998, p. 2; Wilkes, 1992, pp. 26-7; Pipa, 1984, p. 241.

[139] Vickers, 1998, p. 2.

[140] Ibid.

[141] Bojan Aleksov, "Perceptions of Islamisation in the Serbian National Discourse", Southeast European and Black Sea Studies, 5:1 (January 2005), p. 122; Zoltán Györe, "Serbian Historiography

terms of coercion and deception, Serbs tend to consider Albanians, like other Balkan peoples such as Bosniacs, as 'renegades' or 'cowards'.[142]

The only integrative element that history may generate to bring the Serbs and Albanians together is the myth of permanent struggle against foreign rule, specifically Turkish domination,[143] although such an approach has the potential to alienate the small Turkish community in the province. Only this image of the 'Turkish yoke' and the myth of continuous struggle against Turkish rule can be drawn from history to bring the Serbs and Albanians together around a perceived shared historical experience of centuries-old victimisation and exploitation.

6.3.3.2. Language and Education

Language rather than religion forms the basis of ethnic identities in Kosovo. Although the Turks, Goranis, Bosniacs, and almost half of the Roma population share the same faith with the majority of the Albanians, the identity of each community is based on language. The definition of collective ethnic identities on the basis of language rather than religion, was one of the things that, as in the words of an old Turk from Mitrovicë / Mitrovica, members of the international community "failed to understand the differences amongst the Turks, Albanians, Bosniacs and Goranis".[144] As noted earlier, members of the Egyptian and Ashkali communities, who speak the Albanian language and who are mostly Muslims, distinguish themselves from the Roma in terms of language.

Under the 1974 Constitution, Serbo-Croat, Albanian and Turkish were recognised as the three official languages in Kosovo. Under the socialist education system in Yugoslavia, learning the language of the other ethnic group was compulsory and aimed to foster inter-ethnic tolerance between the Serbs and

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and the Modern State", James S. Amelang and Siegfried Beer (eds.), *Public Power in Europe Studies in Historical Transformations*, (Pisa: Pisa University Press, 2006), pp. 92-3; Dušan T. Bataković, *Kosovo-Metohija: The Serbo-Albanian Conflict*, (Belgrade, Institute of Balkan Studies, 1998); Idem, *The Kosovo Chronicles*, (Belgrade: Plato Books 1992); Aleksov, 2005, p. 122; Vickers, 1998, pp. 22-27.

[142] Aleksov, 2005, p. 51.

[143] Pipa, for example, point to the potential integrative role of foreign rule in burying cultural, linguistic and religious differences between the Serbs and Albanians. See, Pipa, 1984, p. 250.

[144] Author's discussions with members of the Turkish community in Mitrovicë / Mitrovica, 14 September 2004.

Albanians.[145] As noted earlier, in response to the abolition of the province's autonomy and the subsequent discriminatory measures and restrictions on education taken by the Milošević regime in the early 1990s, the Albanian community established their own 'parallel' education facilities. In these schools, the teaching of Serbo-Croat and Yugoslav history, society, literature and geography were removed from the curricula in order to "de-ideologise" the Albanians.[146] Therefore, a majority of the Albanian youth educated in separated Albanian schools in the 1990s do not speak the Serbian language.

The issue of education in Kosovo both in the pre- and post-NATO intervention period is entangled with politics. As mentioned earlier, the separation of education and adoption of a new nationalist curriculum by the Albanians in the early-1990s gave momentum to the Albanian national political movement, reinforced unity among the Albanians and increased their confidence in their capacity to resist Serbian rule. The same thing can be said for the Serbian curriculum's impact on the rise of Serbian nationalism amongst the youth. Furthering the already existing inter-communal divide, the separated education systems based exclusive nationalist curricula, served to further the already-existing inter-communal divide.

In the post-NATO intervention period, parallel schools, characteristic of the previous period, were re-established, this time by the Serbs. Although UNMIK continuously promoted the notion of multi-ethnicity in education and of a unified education system and sought to develop a single curriculum to implement in all schools, it failed to enforce its policy of a unified education system and to achieve the inclusion of the Albanian and Serb educators in the reconstruction of the education sector in the immediate post-conflict period.[147] Coupled with the NATO-led security forces' incapacity to stop intimidation and harassment against Serb children and teenagers, this situation encouraged the Kosovo Serbs to establish and run their own parallel schools directly funded by Belgrade. As of September 1999,

[145] Kostovicova, 2002, p. 167.
[146] Ibid., 167-169.
[147] Information received from discussions with several Albanian school teachers in Prishtina / Priština and Prizren, September 2006. The teachers, who wanted to remain anonymous, expressed their frustration and disappointment with the international community's approach in reforming the education system in Kosovo in the post-conflict period. One of them said that "although in the beginning there was some cooperation between the internationals and us [local educators], they behaved with arrogance, avoided consulting us and pursued their own agenda of reform to transform the education sector in Kosovo".

although more than 400 schools were re-opened by UNMIK for over 400,000 children, only two were ethnically mixed, and minority students and staff, mostly Serbs, were reported to have been denied access to some educational facilities.[148]

The education system in Kosovo, which was officially administered and structured by UNMIK until the creation of the Ministry of Education, Science and Technology (MEST), and the consequent handover of responsibility and authority in the field of education to the Albanian-dominated Ministry in March 2002,[149] is organised into three levels: preschool education (including kindergarten and pre-primary class), primary education and secondary education.[150] Restructuring the education sector has been one of the priorities of the international community and Kosovo's provisional self-government institutions, although the percentage of public spending on education declined over the years. The principles of multi-ethnicity in education and a unified educational system based on a comprehensive reform programme with a new 'national curriculum' have been promoted to transform the education sector in accordance with 'European Standards'. However, the education sector in Kosovo based on different systems and curricula still remains separated, posing a major impediment to promoting the notion of multi-culturalism and facilitating inter-communal communication in the province.

	Government budget ('000 Euro)	Share of education from total government budget	
		Amount ('000 Euro)	Percentage
2000	285,600	56,681	20%
2001	288,200	60,300	21%
2002	374,100	74,200	20%
2003	516,859	80,465	16%
2004	619,000	92,620	15%
2005	736,800	89,300	12%
2006	700,000	106,290	15%

Table 6.6. Government expenditure in education in Kosovo between 2000 and 2006 (Data compiled from *Kosovo General Budget 2002*, Ministry of Finance and Economics, *The Kosovo General Government 2003 Budget*, Idem, *Government of Kosovo – Budget 2004*, Idem, *Budget 2005,* Idem, *Kosovo General Budget 2006*, available at http://www.mfe-ks.org/English/index.html [accessed 5 May 2007])

[148] United Nations, "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", *Security Council Document*, S/1999/987, (16 September 1999), para. 21.

[149] Although UNMIK handed over responsibility and control in a number of areas in education, it retained responsibility on Serb-related issues in education including the language of instruction and curriculum development due to its implications for the protection of the rights of minority communities in the province.

[150] Statistical Office of Kosovo, *Statistics on Education in Kosovo 2004 / 2005*, Series 5: Social Statistics, (March 2007), p. 5.

Albanian, Turkish and Bosniac students follow the 9-year compulsory national curriculum of Kosovo in their mother tongue.[151] Following the Serbian system of 8-year compulsory curriculum in their segregated schools, Kosovo Serb students use textbooks and are educated by teachers' whose salaries are paid by the Serbian government.[152] Members of the Gorani community, who speak an ancient version of the Serbian language, and of the small Croat-speaking community, who are Roman Catholics, follow the Serbian curriculum. Roma, who are both Muslims and Orthodox Christians, learn their own language at home and attend Serbian schools. Egyptians and Ashkalis, who also learn their languages at home, depending on where they live, join the 9-year or 8-year systems, needing to learn either in Albanian or Serbian.[153]

The new Kosovo curriculum framework which standardised teaching topics and learning objectives and results with a view to reflecting the pluralistic and multicultural characteristic of Kosovo was drafted by UNICEF in 2001. Although it has been implemented in schools attended by Albanian, Turkish and Bosniac students, the new curriculum framework has not been officially adopted by MEST yet.[154] The implementation of a comprehensive reform programme aiming to transform the education system in Kosovo, suggested in the curriculum framework, has been delayed primarily due to unprepared teachers, and a lack of funds and of objectivity in subject selection.[155]

Kosovo has the highest ratio of young population in Europe, with 61% between 15 and 65 years old and 33% under the age of 14 years old.[156] As of the school year 2004/2005, a total of 444, 847 pupils and students were enrolled in pre-school, primary and secondary education.

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[151] Jagdish Gundara and Jack Peffers, "Quality Education for All in Kosovo", UNICEF, (2005), p. 10 http://www.see-educoop.net/education_in/pdf/UnicefQualityEducationforAllinKosovofinal.pdf [accessed 21 March 2007].
[152] Ibid.
[153] Ibid.
[154] UNDP, 2006c, p. 43.
[155] *Ibid*.
[156] Statistical Office of Kosovo, *General Statistics: Kosovo in Figures in 2006*, (December 2006), p. 11.

Levels	Albanian	Bosniac	Turkish	Gorani	Roma	Ashkali	Egyptian	Croat	Other	Total	Serb
Kindergarten	7002	19	16	2	2	29	0	2	4	7076	-
Pre-primary	17159	186	105	50	25	38	30	0	3	17596	2318
Primary	315699	4363	2365	642	1008	2231	859	38	2	327207	14368
Secondary	68500	666	465	19	33	68	8	0	1	69760	6492
Total	408360	5234	2951	713	1068	2366	897	40	10	421639	23178

Table 6.7. Number of students enrolled in pre-school, primary, secondary education levels – 2004/2005 school year (Source: Jagdish Gundara and Jack Peffers, "Quality Education for All in Kosovo", UNICEF, (2005), p. 12.).

Attending separate schools and following separate curricula and textbooks, Serb, Roma and Gorani students, however, do not have any relationship or interaction with Albanian, Bosniac or Turkish students. Inhibiting the prospects of establishing social communication and facilitating inter-communal dialogue, this situation led to the maintenance of the already-deep inter-ethnic distance as well as stereotypes and prejudices amongst the youth.

6.3.3.3. Religion

As mentioned earlier, except for the Serbs, religion does not play a significant role in the construction of communal identities in Kosovo. Neither the Albanians nor other Muslim groups in the province base their identity on religion but language and culture. Although over 90% of the Kosovo Albanians identify themselves as Muslim,[157] their faith is not the primary marker of Albanian national identity. Instead, they have a "relaxed" approach towards Islam and "little sympathy" for the inclusion of religion in politics.[158] Islam played no central in political mobilisation and Catholic Albanians took an active part in the resistance to Serbian rule as their Muslim counterparts.[159]

For the Albanians, a large majority of whom converted to Islam in the seventeenth and eighteenth centuries, religion remained as "a tenuous and fluid" phenomenon, as expressed by a popular saying "Ku eshte shpata eshte feja" meaning "Where the sword is, there lies religion".[160] As noted earlier, since religion had the potential to deepen the already existing socio-cultural and geographical divides

[157] Corresponding to about 3% of the population, there are around 60,000 Albanian Catholics in Kosovo. International Crisis Group, "Religion in Kosovo", ICG Balkans Report No. 105, (Pristina / Brussels, 31 January 2001), p. 7.
[158] International Crisis Group, 2001, p. 2.
[159] Duijzings, 2000, pp. 159-160.
[160] Vickers, 1998, p. 25.

among the Albanians, the nineteenth century ideologues of the Albanian national movement of *Rilindja* tried to bury religious differences. They propagated the principle of "the true religion of Albanians is Albanianism", resulting in Albanian nationalism free from religious attachments. This attitude towards religion can be said to have led Albanian nationalism to have a more secular form than Serbian nationalism, which equates Serbian national identity with Orthodox Christianity and Turkish identity with Islam.

Despite marking the primary dividing line between the Serbs and Albanians, due to the fact that the Ottoman administrative and social system of *millet* was based on religious affiliation, religious differences did not produce friction between the communities until the nineteenth century.[161] Religion started to have a potential for conflict between the two communities following the transformation of the *millet* system by the Porte through Ottomanism in the second half of the nineteenth century. Entailing the introduction of citizenship regardless of religious affiliation, the idea of Ottomanism aimed to counter-balance the effects of the rising nationalist aspirations on its Christian subjects. It failed to prevent the flourishing of Serbian and Albanian nationalisms and disintegration of the Empire. Serving as the primary basis of Serbian national identity, religion has become a major line of divide between the Serbs and Albanians.

Suppressed for most of the communist period, religion, even though it marked a major divide between the Serbs and Albanians, did not play a central role in the rivalry between the two communities. The conflict was rather shaped by social and political factors. Despite the destruction of Islamic facilities including libraries and archives by the Serb forces during the war in 1998 and 1999 and the desecration of Serbian Orthodox churches and monasteries by Albanian extremists in the post-war period, it is hard to say that religious fanaticism was the primary motivation on either side. These acts of vandalism were, as the International Crisis Group point out, rather motivated by a desire to wipe out the cultural evidence and memory of "the other's presence" in the province.[162]

It is important to note that after the NATO-intervention, the two prominent religious figures in Kosovo, Bishop Artemije and Father Sava, assumed the

[161] Ibid.
[162] Duijzings, 2000; Malcolm, 1998; Vickers, 1998.

leadership of Kosovo Serbs who were willing to cooperate with the international community. Promoting reconciliation with the Albanians, these two religious leaders had considerable credibility among the Serbs,[163] which the international community could have used to create a dialogue between the two communities. However, failing to provide a secure environment for the Serbs and formulate a strategy designed to initiate a process of inter-communal reconciliation, the international community missed an important opportunity for facilitating an inter-communal dialogue during the early stage of UNMIK. Instead, the weakening position of the Serbs in the post-NATO intervention period caused by continued attacks, harassment and violence, which the international community failed to stop, helped to strengthen Belgrade's influence while undermining that of the moderate Orthodox religious leaders. In other words, failing to provide a secure environment, thereby, failing to gain the confidence of the Kosovo Serbs in the post-conflict period, which changed to the benefit of the Albanians due to the withdrawal of the Serbian military and police forces and the suspension of Belgrade's authority over the province, the international community missed a historic opportunity for turning the conditions in favour of initiating a reconciliation process led by Kosovo's Serbian Orthodox religious leaders with a view to developing social communication between the Serbs and Albanians and heal the wounds of the past.

6.4. Conclusion

Since Kosovo was placed under the UN interim administration in mid-1999, the creation of a peaceful and stable multi-ethnic society has frequently been reiterated by the international community as *sine qua non* for building sustainable peace in the post-conflict period even though its meaning and content remain unclear. After eight years of international administration when the territory was recognised independence by the international community in early 2007, one thing was clear: given the salience of ethnic segregation linked to 'exclusive' ethnic identities, creating a multi-ethnic society, defined in terms of the recognition of diversity and inclusion of all ethnic groups within the political and social processes, is an unrealistic goal to achieve at least in the near future. The international

[163] International Crisis Group, 2001, p. 12.

community failed to overcome the insecurities of minority groups, specifically the Serbs and Roma, and their confidence in the political process, and generate concrete policies towards multi-ethnicity and social cohesion, which involves the interaction of ethnic groups rather than their mere existence. This led the notion of creating a cohesive, multi-ethnic Kosovo society to being seen an illusion embedded in the statements of the members of the international community.

The uncertainty over the issue of status, which has been the primary concern of all ethnic groups, has had a negative effect on the prospect of developing a sense of cohesive society and inter-communal communication in order to resolve the decades-old differences between the Serbs and Albanians. Engaged in a struggle to maximise the benefits of their own group, both sides avoided taking concrete positive steps to normalise inter-ethnic relations, which had inherited a legacy of mutual distrust and segregation from the previous period. Both Serbs and Albanians, which tended to blame each other for the poor progress in inter-ethnic relations, shared the responsibility for the maintenance of ethnic and cultural distance in the post-conflict period.

During the eight years administration of the territory by the UN since 1999, Kosovo, along with Cyprus and Northern Ireland, remained one of the few ethnically-segregated societies in the whole of Europe. Having invested enormously in the political, institutional and economic development of the province, the international community failed to implant the notion of multi-ethnicity beyond the existence of ethnic groups living in segregation. As will be discussed in the next chapter, the international community, which prioritised the construction and strengthening of political institutions on the basis of a "standards before status" strategy, failed to create channels of communication at the community level least around issues of common concern. Despite its frequent emphasis on multi-ethnicity as the fundamental of Kosovo, the international community, in other words, achieved little in terms of building the foundations for turning the territory into a stable, democratic, multi-ethnic society. This situation raises serious questions on the prospect of inter-ethnic relations in the post-UNMIK period, not to mention the capacity of its already fragile political institutions.

Chapter Seven
The Process of Building Democratic Self-Government in Kosovo

7.1. Introduction

Despite the existence of historical precedents of international territorial administrations established by the UN in West Papua New Guinea, Namibia, Cambodia and Eastern Slavonia to supervise a process of political transition within the context of decolonisation or implementing a peace agreement to end conflict and break with the violent past,[1] the ambitious nature of the mandate and scope of administrative responsibilities and powers assumed in Kosovo and East Timor make the UN involvement in these two territories "unique".[2] United Nations Security Council Resolution 1244, adopted on 10 June 1999 after a series of diplomatic efforts held to find a solution to the conflict in Kosovo during NATO's much debated unauthorised 78-day aerial bombing campaign against the Federal Republic of Yugoslavia,[3] authorised the deployment of the NATO-led Kosovo Force (KFOR) to provide a secure environment and the establishment of a civilian administration under the auspices of the UN.

[1] Although the UN was proposed and entrusted to administer the cities of Jerusalem and Trieste after the end of the Second World War, the two proposed projects were never implemented.
[2] Brahimi Report, 2000.
[3] The Federal Republic of Yugoslavia (FRY) consisting of Serbia and Montenegro succeeded the dissolved Federal Socialist Republic of Yugoslavia (SFRY) in April 1992 following the secession of Slovenia, Croatia, Bosnia-Herzegovina and Macedonia. The FRY was transformed into a loose confederation in February 2003 when the governments of Serbia and Montenegro became parties to the Constitutional Charter of the State Union of Serbia and Montenegro. As per Article 60 of the Constitutional Charter, both republics had the right to hold a referendum to secede from the State Union of Serbia and Montenegro three years after the Constitutional Charter entered into force. The State Union of Serbia and Montenegro formally ceased to exist in June 2006 further to Montenegro's declaration of independence on 3 June after a referendum was held in May. The Constitutional Charter of the State Union of Serbia and Montenegro can be seen at http://www.mfa.gov.yu/Facts/const_scg.pdf [accessed 30 August 2006].

Resolution 1244, which was written with careful diplomatic language to avoid the possibility of Russian and Chinese vetoes, was an attempt to "balance between the Scylla of Kosovo's independence with Yugoslavia's [now Serbia's] sovereignty".[4] It created a *sui generis* administrative structure in Kosovo. Although the preamble re-affirmed the territorial integrity and sovereignty of Serbia, the question of its possession was deferred for an indefinite period of time. The province was put under an international administration, known as the United Nations Interim Administration Mission in Kosovo (UNMIK), which was tasked with promoting substantial autonomy and democratic self-government and providing conditions for a peaceful and normal life for the people of Kosovo. UNMIK's mandate included filling the governmental and administrative vacuum caused by the withdrawal of Serbian authorities, overseeing the establishment of provisional democratic self-governing institutions pending a political settlement of the future status of the province, and transferring administrative responsibilities once these provisional local institutions were developed. In a final stage, UNMIK would manage the transfer of authority from Kosovo's provisional institutions to new institutions to be established under a political settlement.

Resolution 1244, however, did not provide a clear political endpoint for the international administration. Unlike in East Timor where an international transitional administration with absolute powers was established to govern the territory until independence, in Kosovo the UN assumed sovereign powers for an unspecified period of time. Two explanations can be suggested to justify the decision of the international community to 'freeze' the Kosovo conflict by putting the province under an interim administration while postponing its final political status: (1) potential implications of an 'early' resolution of the question of the political status for regional peace and stability in the Balkans; and (2) absence of a consensus among the members of the international community on the future status of the province.

Regarding the decision on finding a permanent solution to the issue of Kosovo's final political status, Resolution 1244 mandated UNMIK to facilitate a political process that would determine the province's status. Neither Resolution 1244 nor the subsequent Report of the Secretary-General on the United Nations Interim

[4] Alexandros Yannis, "The UN as Government in Kosovo", *Global Governance*, 10:1 (January-March 2004), p. 68.

Administration in Kosovo, however, specified the terms of UNMIK's engagement in resolving the question of ultimate status. The international community's preference was rather focusing on constructing democratic institutions, developing the local capacity required to run these institutions, and promoting economic development of Kosovo before addressing the question of its political status. The prevalence of political uncertainty, caused by the lack of clarity over Kosovo's status, not only had a negative impact on the development of political institutions, but also served for the purpose of Albanian and Serbian extremists when stirring local discontent. It also kept foreign investors away from the province, hindering economic development and new employment opportunities. It was not until the outbreak of large-scale violence in March 2004 that the UN reviewed its policies and took a more concrete step to address the issue of status.

In the light of this information, this chapter, in accordance with the framework developed in Chapter 3, discusses the process of state-building in Kosovo in the post-armed conflict period: security-building, institution-building and capacity-building in the post-military intervention period. The chapter is divided into two parts. The first part reviews the historical background of the conflict. The second part discusses the aspects of the externally-led state-building process in Kosovo between June 1999 and February 2007 when the province was offered conditional independence supervised by the international community.

7.2. Historical Background of the Kosovo Conflict

Although the Kosovo conflict came on the international agenda in the late 1990s with the increasing Serbian assaults on the ethnic Albanian civilian population and gross human rights abuses following the Kosovo Liberation Army (KLA or UÇK in Albanian) attacks on the security forces of Serbia, the origins of the conflict date back much earlier. This is not to suggest that the Kosovo conflict, in which ethnicity played a significant role in political mobilisation, evolved around 'ancient' ethnic animosities[5] but to clarify the political and social processes that eventually led

[5] Although it is not a scholarly but a journalistic argument frequently cited in the Western media, the so-called 'ancient hatred' argument is based on the view that violence caused by ever-existing inter-ethnic hostilities is inherent within the Balkan region. See for example, Robert D. Kaplan, *Balkan*

to the outbreak of violence in the 1990s, and point to the dangers of the ethnicisation of politics through the use of mutually exclusive historical narratives and myths.

The end of Ottoman rule in the Balkans resulted in the creation of an independent Albanian state, and the incorporation of a predominantly Albanian-populated province of Kosovo into Serbia in 1913. Since that time, Kosovo has been exposed to the conflicting sovereignty claims of both Serbs and Albanians. The Kosovo Albanians, who were left outside the borders of the newly created Albanian state, never felt themselves a natural part of the first and second Yugoslavia.[6] As discussed in Chapter 6, the Serbs consequently failed to develop a functioning *modus vivendi* with the Albanians, always fearing the latter harboured a wish to secede and incorporate the province into a greater Albania.

As noted in Chapter 6, after the Second World War Kosovo was recognised as part of the socialist Yugoslavia proclaimed by Marshall Tito.It was declared an "autonomous region" of Serbia under the name of the "Autonomous Region of Kosovo-Metohija".[7] Vojvodina, populated by a significant number of ethnic Hungarians and other minorities, was declared as an "autonomous province" of Serbia. The 1946 Constitution confirmed the federal structure of the Yugoslav state with six republics (Serbia, Croatia, Montenegro, Macedonia, Slovenia and Bosnia-Herzegovina) and two autonomous units (Kosovo and Vojvodina) within Serbia. Although the difference between a region (*oblast*) and a province (*pokrajina*) was not legally defined, the status of Kosovo was lower than was recognised for the Hungarians in Vojvodina.[8] Vojvodina's government structure was similar to that of a republic while in Kosovo it resembled to local government. It had no independent legislature or supreme court as did Vojvodina.[9]

The 1974 Constitution granted Kosovo a high degree of autonomy, enhancing its status to nearly the equivalent of that of the republics. Kosovo Albanians were

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Ghosts: A Journey through History, (New York: St Martin's Press, 1993).

[6] The first Yugoslavia refers to the Kingdom of Serbs, Croats and Slovenes which came into being in December 1918 after the First World War ended. The country was renamed Yugoslavia in 1929. The second Yugoslavia refers to the Socialist Federal Republic of Yugoslavia proclaimed by Josip Broz Tito during the Second World War.

[7] Malcolm, 1998, p. 316; Vickers, 1998, p. 146.

[8] Malcolm, 1998, p. 316; Vickers, 1998, p. 146.

[9] Vickers, 1998, p. 146; Sami Repishti, "The Evolution of Kosova's Autonomy within the Yugoslav Constitutional Framework", Arshi Pipa and Sami Repishti (eds.), *Studies on Kosova*, (Boulder: East European Monographs, 1984), p. 211.

recognised as one of the constituent elements of Yugoslavia and were represented in the federal bodies, e.g. the Federal Parliament, the Presidency and the Federal Constitutional Court, as equal to the republics. As an autonomous province, Kosovo enjoyed the right to have its own constitution, government, school system, police, courts and economic institutions.[10] In the areas of economic policy, taxation, education and culture, the Republic of Serbia was empowered to pass legislation valid for the entire republic only with the prior approval of the assembly of the province.[11] The sovereign rights of the province were also extended outside Kosovo. Kosovo's constitution authorised the province to develop economic relationships with foreign states and international organisations.[12] In addition to these concessions, the amount of funds flowing to Kosovo from the federal budget was increased to promote the province's economic development.

Although a significant amount of funds from the federal budget[13] was pumped into Kosovo, no significant improvement was achieved by 1981 due to the inability of local authorities to translate the federal funding into sustainable development. The failure to achieve success lay, in part, in the strategy of complimentarity in Yugoslav regional development planning, i.e. the role of the less developed regions as raw-material and semi-manufactured products suppliers,[14] and, in part, in the inability of the provincial government to use the funds made available in the right way.[15] Thus, investments in basic industry, i.e. extractive or raw

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[10] Paul Shoup, "The Government and Constitutional Status of Kosova: Some Brief Remarks", Constitution", Arshi Pipa and Sami Repishti (eds.), *Studies on Kosova*, (Boulder: East European Monographs, 1984), p. 234; Carsten Stahn, "Constitution Without a State? Kosovo Under the United Nations Constitutional Framework for Self-Government", *Leiden Journal of International Law*, 14:3 (September 2001), p. 532. See also, Veton Surroi, "Kosova and the Constitutional Solutions", Thanos Verernis and Evangelos Kofos (eds.), *Kosovo: Avoiding Another Balkan War* (Athens: Hellenic Foundation for European and Foreign Policy, 1998), pp. 145-72.

[11] Shoup, 1984, p. 235.

[12] Sabrina P. Ramet, *Nationalism and Federalism in Yugoslavia, 1962-1991*, (Bloomington: Indiana University Press, 1992), p. 77; Repishti, 1984, pp. 218.

[13] The Federal Fund for Accelerated Development of the Underdeveloped Republics and Kosovo (FADURK) was created in 1963 funded by taxes paid by all the republics to subsidise the economy and create new jobs in Bosnia-Herzegovina, Montenegro, Macedonia and Kosovo. Kosovo received the largest share of FADURK funds. Its share which was 30 per cent between 1966 and 1970, increased to 33.3% in the period between 1971 and 1975, and to 37% between 1976 and 1980. Ramet, 1992, pp. 150-157.

[14] Adi Schnytzer, "The Economic Situation in Albania and Kosova: Notes on a Comparison", Arshi Pipa and Sami Repishti (eds.), *Studies on Kosovo*, (Boulder: East European Monographs, 1984), pp. 173-4.

[15] Ibid., p. 174; Mark A. Cichock, "Reevaluating a Development Strategy: Policy Implications for Yugoslavia", *Comparative Politics*, 17:2 (January 1985), p. 217.

materials industries, to the neglect of the other sectors in the economy, did not benefit Kosovo as much as the major recipients of the raw materials, namely the other regions of Yugoslavia.[16] It is also important to note that rather than being used in the financing of investment projects that could have created permanent employment opportunities and that could have added more to the province's productive capabilities, investment funds were used in unnecessary capital-intensive developmental projects that had high capital-output and capital-labour ratios such as the construction of stadiums and luxury conference centres.[17]

While the development gap between the more developed and less developed parts of Yugoslavia continued to widen, by 1981 Kosovo lagged behind the less developed republics – Bosnia-Herzegovina, Macedonia and Montenegro. In 1947, the level of development in Yugoslavia as a whole was twice as high as that of Kosovo, Macedonia, Montenegro and Bosnia-Herzegovina. In 1980, while the level of development for Yugoslavia was four times that of Kosovo, the level of development of Macedonia, Macedonia and Bosnia-Herzegovina had grown to two-and-a-half times Kosovo's economic and industrial development.[18] According to the figures given in Table 7.1., in the year 1979, Kosovo was six and half times less developed than Slovenia, which was Yugoslavia's most developed republic. The increasing number of university and other higher education institutions graduates poured annually into the labour market and could not be absorbed by the economy,[19] aggravating the unemployment problem. Kosovo's unemployment rate, which rose to 27.5% in 1981, was three times higher than the Yugoslav average.[20]

[16] Vickers, 1998, p. 184.
[17] Cichock, 1985, p. 217.
[18] Peter Prifti, "Kosova's Economy: Problems and Prospects", Arshi Pipa and Sami Repishti (eds.), *Studies on Kosovo*, (Boulder: East European Monographs, 1984), p. 147.
[19] By the early 1980s, Kosovo had the highest ratio of students in Yugoslavia; one out of every three persons in the province was enrolled in some kind of educational programme. Prifti, "Kosova's Economy", p. 145.
[20] Mertus, 1999, p. 23; Magaš, 1993, p. 19.

	Social Product Per Capita* (Amount in Yugoslav Dinars)		Social Product Per Capita (Amount in Percentages)	
	1969	1979	1969	1979
Kosovo	3,472	4,648	34	28
Bosnia-Herzegovina	7,030	10,924	69	65
Montenegro	7,735	11,586	76	69
Macedonia	7,014	11,202	69	67
Serbia proper	9,998	16,625	98	99
Vojvodina	11,467	19,324	112	115
Croatia	12,408	21,276	122	127
Slovenia	19,055	34,050	187	203
Yugoslavia as a whole	10,210	16,758	100	100

Table 7.1. Level of economic development in the Republics and Provinces
(Source: Peter Prifti, "Kosova's Economy: Problems and Prospects", Arshi Pipa and Sami Repishti (eds.), *Studies on Kosovo*, (Boulder: East European Monographs, 1984), p. 131).
* Also known as gross material product, social product includes the value added by the productive sectors before deduction of depreciation. It excludes the value of services in the non-productive sectors such as defence, public administration, finance, education, health, and housing.

Although the 1974 Constitution provided the Kosovo Albanians with extensive autonomous rights, they still felt they were unequally treated. For a majority of them, the lack of republic status was a deprivation and form of discrimination exercised by the Slavic nations. According to the 1974 Yugoslav Constitution, the main difference between republics and autonomous provinces was that the former had the right to secede from federal Yugoslavia. Like the Hungarians in Vojvodina, the Albanians were not recognised as the Yugoslav nations (*narod*) but nationalities or national minorities (*narodnost*) because they had their homeland in Albania. Yugoslav nationalities also included the Bulgarians, Czechs, Italians, Romanians, Slovaks and Turks. Under the 1974 Constitution, Slovenes, Serbs, Macedonians, Croats, Montenegrins and Muslims had the right to exercise a republican status. The term 'Muslim' referred to Bosnian Muslims, ethnic Slavs who converted to Islam during Ottoman rule. Muslim Albanians were not included in this group.

Demographic changes played a critical role in the development of the Kosovo conflict. The ratio of the Serbs in Kosovo declined from 23.6% out of a population of 963,988 in 1961 to 13.2% out of the province's population of 1,584,441 in 1981 while that of the Albanians rose to 77%.[21] This decline in the Slav population in the province was caused by the high birth rate among the Albanians,[22] migration of

[21] Mertus, 1999, p. 316; Vickers, 1998, p. 195.
[22] In 1979, Kosovo had the highest birth rate in Yugoslavia and indeed in Europe, 26.1 per 1,000 population, compared to 8.6 for the Yugoslav national average. Prifti, 1984, p. 127.

Albanians from Macedonia, Montenegro and southern Serbia to Kosovo, and the outgoing migration of the Serbs and Montenegrins motivated by worsening economic conditions as well as discrimination and intimidation by the Albanians. Statistics for the number of Slav migrants vary. The Serbs claimed that over 100,000 Serbs and Montenegrins left the province between 1971 and 1981 while the Albanians estimated the number for that period was 57-60,000.[23] Disappointment with the denial of national status, unfavourable economic conditions, a high unemployment rate and a widening inter-regional development gap fuelled the discontent in Kosovo, and in March 1981 it exploded into riots. Beginning with student protests in the cafeteria at the University of Prishtina / Priština against poor living conditions on campus, serious riots spread to Prishtina / Priština and other towns in a short span of time. The demand of the rioters was to transform the province into the seventh republic of Yugoslavia. However, this was considered by Serb authorities as a first step towards secession and the civil disturbance was harshly crushed.

	Number	Percentage
Serbs	8,136,578	36.3
Muslims	4,428,135	19.7
Slovenes	2,000,034	8.9
Albanians	1,753,605	7.8
Macedonians	1,731,252	7.7
"Yugoslavs"	1,341,420	6.0
Montenegrins	1,216,463	5.4
Hungarians	577,298	2.6
Roma	426,865	1.9
Turks	148,604	0.7
Slovaks	101,328	0.5
Romanians	80,300	0.4
Bulgarians	54,721	0.2
Vlahs	36,642	0.2
Ruthenes	32,071	0.1
Czechs	23,320	0.1
Italians	19,609	0.1
Ukranians	15,116	0.1
Undeclared	46,716	0.2
TOTAL (including other categories not listed above)	22,418,331	

Table 7.2. Population of Yugoslavia by Ethnic Group in 1981 (Source: Sabrina P. Ramet, *Nationalism and Federalism in Yugoslavia, 1962-1991*, (Bloomington: Indiana University Press, 1992), p. 20).

The unrest in Kosovo resulted in an alignment of the traditional centralisers in the Yugoslav political arena which included the unitarist wing in the Communist

[23] Vickers, 1998, p. 195. Malcolm argues that a total of between 80,000 and 100,000 people migrated from Kosovo during that period. See, Malcolm, 1998, p. 330.

Party and Serbian nationalists.[24] Those who always argued that political decentralisation and the increased national rights that had been granted to national minorities could weaken Yugoslav unity used the riots in Kosovo as a warning about "too much" regional independence.[25] The rising nationalist current in Serbia, which included the Orthodox Church and intelligentsia, in other words, already gained strength before Slobodan Milošević's rise to power. In January 1986, around two hundred Serbian intellectuals including the well-known novelist Dobrica Ćosić, who was dismissed from the Central Committee of the Serbian League of Communists in 1968 following his condemnation of Tito's decentralisation policy in Kosovo, submitted a petition to the Serb and Yugoslav Assemblies. Written with very nationalist language, the petition had charges of "genocide" against the Serbs in the province and demanded that "decisive measures…be mobilised to stop the Albanian aggression in Kosovo".[26]

In September in the same year, some parts of an unfinished 'memorandum' drafted by the Serbian Academy of Arts and Sciences (SANU) were published in the Belgrade daily *Večernje novosti*.[27] The Memorandum fanned the story of 'victimisation' of the Serbs within Yugoslavia and argued that the Serbs were denied their own state contrary to other nations.[28] The existence of the two autonomous provinces within Serbia – Vojvodina and Kosovo – was argued to have been evidence for "the desire to keep the Serbian people constantly under control".[29] Depicting the situation of the Serbs in Kosovo as "physical, political, legal and cultural genocide",[30] the Memorandum called for the revocation of the province's autonomy.

It was this political climate that helped Slobodan Milošević rise to power. Recently elected as the President of the Communist Party of Serbia, Milošević visited Kosovo in April 1987 to hear the charges of persecutions of Serbs, which led him to emerge as the long-awaited national hero of the Serbs. In the middle of a

[24] Magaš, 1993, p. 37.
[25] Ibid.
[26] Magaš, 1993, p. 52.
[27] Kosta Mihailovic and Vasilije Krestic, *Memorandum of the Serbian Academy of Sciences and Arts – Answers to Criticisms*, (Belgrade: Serbian Academy of Sciences and Arts, 1995), available at http://www.rastko.org.yu/istorija/iii/memorandum.pdf [accessed 25 October 2006].
[28] Ibid., p. 118, 119, 127, 139.
[29] Ibid., p. 125.
[30] Mihailovic and Krestic, 1995, p. 128.

struggle between Serbs and the Albanian police in front of the building where he was going to make his speech, he told the crowd: "No one shall ever beat you!". This particular sentence would soon "enthrone him as a Tsar".[31] In May 1989, he was elected as the President of Serbia. Speaking on 28 June 1989 at the 600th anniversary of the Battle of Kosovo, he once again agitated the Serb national sentiments over the province by telling an angry crowd that: "Six centuries later, again, we are in battles and quarrels. They are not armed battles, although such things cannot be excluded".[32]

In early 1989, the Serbian Parliament adopted a series of unilateral constitutional amendments allowing the establishment of a more direct control over Kosovo's security, judiciary, social planning, educational policy, finance and the choice of official language.[33] The Kosovo Parliament ratified these constitutional amendments,[34] which curtailed the province's autonomy granted by the 1974 Constitution. Throughout 1989 and 1990, the Serbian Parliament adopted a number of discriminatory measures aiming to change the demography of Kosovo in favour of the Serbs. These included family planning programmes for Albanians, restrictions on property sales to Albanians, incentives for Serbs to return to Kosovo, encouraging Albanians to seek job in other parts of Yugoslavia, closure of the Albanian newspapers, and introduction of a new Serb-oriented curriculum in schools. Furthermore, tens of thousands of Albanians were dismissed from their positions in public administration and the Kosovo Assembly was dissolved by the Serbian regime in July 1990.[35]

The Kosovo Albanians responded by declaring independence and initiating a Gandhian form of non-violent passive resistance, the movement led by Dr. Ibrahim Rugova, a moderate-minded professor of Albanian literature, with a view to

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[31] Tim Judah, Kosovo: War and Revenge, (New Haven, 2000), p. 53.
[32] Quoted in Mertus, 1999, p. 185. The full text of his speech translated into English by the US Commerce Department can be found at http://www.tenc.net/milo/milosaid.html [accessed 27 October 2006].
[33] Mertus, 1999, p. 179; Malcolm, 1998, p. 343.
[34] Surrounded with tanks and armoured vehicles positioned outside the Parliament building during the deliberation of the proposed amendments, the Kosovo Parliament had in fact no choice other than accepting constitutional changes.
[35] Malcolm, 1998, pp. 343-6; Independent International Commission on Kosovo, *The Kosovo Report: Conflict, International Response, Lessons Learned*, (Oxford, New York: Oxford University Press, 2000), pp. 41-2; Alex J. Bellamy, "Human Wrongs in Kosovo: 1974-1999", Ken Booth (ed.), The Kosovo Tragedy: The Human Rights Dimensions, (London, Portland: Frank Cass Publishing, 2001) pp.114-6.

internationalising the Kosovo question and denying the legitimacy of Serbian rule. They established a 'parallel' system of government which included schooling, healthcare, tax collection, organisation of elections for the unilaterally declared and non-recognised "Republic of Kosovo".[36] Rugova's non-violent resistance strategy, however, failed to generate international support. Pre-occupied with the wars in Croatia and Bosnia-Herzegovina in the early-1990s, members of the international community paid little attention to Kosovo. The Dayton Peace Agreement, which ended the war in Bosnia-Herzegovina in 1995, ignored the Kosovo question partly due to the absence of an armed conflict in the province and partly due to the reluctance of the Bosnian, Croat, and Serb leaders to address the Kosovo issue. The disillusionment with Rugova's non-violent strategy to attract international attention during the Dayton peace process led many Albanians to conclude that international recognition of independence could only be gained through violence.[37] They proved to be right. It was only when a full scale war broke out in early 1998 after the KLA attacks on the Serbian police and armed forces met a harsh response by the latter with attacks against the KLA and civilian Albanians that the Kosovo conflict was internationalised. Following the failed negotiations between the Serbs and Albanians at Rambouillet in France, NATO launched its 'humanitarian intervention' on 24 March 1999, resulting in the establishment of an international interim administration.

NATO's military involvement in Kosovo, known as *Operation Allied Force*, as noted earlier was not based on an explicit UN Security Council Resolution but justified in moral and political terms as a necessary action undertaken on the basis of the international community's "responsibility to protect"[38] ethnic Albanian civilians from a systematic killing and expulsion campaign and preventing instability spreading into neighbouring states. Influenced by the lessons of the failure to stop the humanitarian tragedy in Bosnia-Herzegovina and the genocide in Rwanda in the past, the intervening NATO governments tended to emphasise the potential humanitarian,

[36] It was recognised only by Albania.
[37] Even the leading moderate intellectual figures such as Adem Demaci, who is known as Kosovo's Nelson Mandela for spending 28 years as a political prisoner, supported armed struggle to attract international attention and achieve independence. He announced his support by saying that "I will not condemn the tactics of the Kosovo Liberation Army because the path of nonviolence has gotten us nowhere. People who live under this kind of repression have the right to resist. The Kosovo Liberation Army is fighting for our freedom". Chris Hedges, "Kosovo Leader Urges Resistance, but to Violence", *New York Times*, (13 March 1998).
[38] ICISS, 2001.

political and geo-strategic consequences of a similar failure to rapidly act to save Albanian civilians and punish Slobodan Milošević. The legal justification of the intervention was left subject to a broad interpretation of international human rights law and relevant articles of the UN Charter in regards to the use of force and promotion of human rights as well as of prior UN Security Council Resolutions 1160, 1199 and 1203, which had classified the deteriorating humanitarian situation in Kosovo as a threat to international peace and security. NATO's breach of the non-intervention principle was in general terms viewed as an 'exceptional' violation of international law, necessitated by a humanitarian crisis.[39] Some commentators,[40] in this respect, argued that NATO's action in Kosovo represented the evolution of a new norm in customary international law and the establishment of a new precedent for future unauthorised use of military force for humanitarian ends, despite the fact that the intervening powers avoided defining the Kosovo intervention in those terms.

While stressing the deteriorating humanitarian conditions in Kosovo to obtain international support, President Clinton, for instance, presented political justifications to the domestic audience in order to secure popular support and mobilise the necessary military and political resources. In his address to the nation on 24 March 1999, the day NATO launched the air campaign, Clinton outlined Slobodan Milošević's refusal on 18 March 1999 to sign the Rambouillet Accords, which contained unacceptable elements for Serbia,[41] as the main reason for the NATO decision.[42] He also underlined the need to demonstrate NATO's 'credibility' as the

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[39] See for example, Independent International Commission on Kosovo, 2000; House of Commons Foreign Affairs Committee, House of Commons Foreign Affairs Committee, *4th Report of the House of Commons Foreign Affairs Committee*, HC 28-I, ISBN 010 2331006, (June 2000); Danish Institute of International Affairs, 1999; Bruno Simma, "NATO, the UN and the Use of Force: Legal Aspects", *European Journal of International Relations*, 10:1, (1999), pp. 1-22; Antonio Cassese, "Ex iniuria ius oritur: Are We Moving towards International Legitimation of Forcible Humanitarian Countermeasures in the World Community? Comment on Bruno Simma, NATO", *European Journal of International Relations*, 10(1), 1999, pp. 23-30; Alex. J. Bellamy, *Kosovo and International Society*, (Palgrave Macmillan, Basingstoke, 2002) pp. 105-126; United Nations, "Secretary-General's Statement on NATO Military Action Against Yugoslavia", *UN Press Release*, SG/SM/6938, (24 March 1999).

[40] Cassese, 1999; Christopher C. Joyner and Anthony Clark Arend, "Anticipatory Humanitarian Intervention: An Emerging Legal Norm?", *Journal of Legal Studies*, 10 (1999-2000), pp. 27-59.

[41] Appendix B of the Rambouillet Accords, "Status of the Multi-National Military Implementation Force", called for the stationing of some 28,000 NATO troops throughout the territory of Serbia and Montenegro that would be "immune from all legal process, whether civil, administrative, or criminal" (Section 6a). For further information, see "The Rambouillet Accords: Interim Agreement for Peace and Self-Government in Kosovo", (23 February 1999).

[42] William J. Clinton, "Address to the Nation", (24 March 1999), available at http://www.pbs.org/newshour/bb/europe/jan-june99/address_3-24.html [accessed 5 May 2007].

guarantor of European security threatened by Milošević while pointing to the potential danger of lack of a determined action to stop the humanitarian catastrophe in Kosovo for provoking a regional war that could potentially involve two NATO allies – Greece and Turkey.[43] In his efforts to justify Operation Allied Force, British Prime Minister Tony Blair, who would argue for NATO's military action as a "moral crusade",[44] emphasised NATO's commitment to defending its "values" in his speech before the Chicago Economic Club in April 1999. Having outlined "five major considerations", which included the question of whether or not NATO member states had a national interest in undertaking a military action in Kosovo,[45] Blair asserted that NATO's commitment to "spread[ing] the values of liberty, human rights, the rule of law and an open society" would make Europe a "safer" place.[46] Like Clinton, in order to obtain domestic popular support for the British government's involvement in Kosovo, he referred to the potential destabilising impact of the Kosovo conflict on peace and stability in the Balkan region and the whole of Europe "if Kosovo was left to the mercy of Serbian repression".[47] Similar to Clinton and Blair, NATO Secretary-General Javier Solana emphasised the humanitarian, strategic and political objectives of the air campaign rather than offering a legal justification. In a press statement issued on the day of the air strikes were launched, Solana reiterated that NATO had acted to fulfil its "moral duty" to avert a "humanitarian catastrophe" and restore peace and political stability in the region.[48]

The intervening powers defended the Kosovo intervention as an *ad hoc* deviation from international law, which forbids the use of military force except in self-defence or with Security Council approval, and suggested that it would not be

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[43] Ibid.
[44] Tony Blair, "A New Moral Crusade", *Newsweek*, 133(24), (14 June 1999), p. 35.
[45] The other four considerations included the following questions: "First, are we sure of our case?, Second, have we exhausted all diplomatic options?, Third, on the basis of a practical assessment of the situation, are there military operations we can sensibly and prudently undertake? Fourth, are we prepared for the long term?. Idem, "Doctrine of the International Community", speech at the Chicago Economic Club, (24 April 1999), available at http://www.pm.gov.uk/output/Page1297.asp [accessed 26 June 2007].
[46] Ibid.
[47] Quoted in Tim Youngs et al, "Kosovo: NATO and Military Action", *House of Commons Research Paper*, 99/34, (24 March 1999), p. 33 http://www.parliament.uk/commons/lib/research/rp99/rp99-034.pdf [accessed 5 March 2007].
[48] Javier Solana, *Press Statement*, (23 March 1999), available at http://www.nato.int/docu/pr/1999/p99-040e.htm [accessed 27 June 2007].

repeated in the future.[49] NATO's intensive air campaign to end the humanitarian crisis in Kosovo lasted for 11 weeks and ended following Serbia's acceptance of the Military Technical Agreement on the evening of 9 June 1999.[50] The Agreement formed the basis of the UN Security Council Resolution 1244, which called for the withdrawal of Serbian military and police forces from the province and authorised the deployment of a NATO-led international security force to provide security, law and order and the establishment of an interim international administration to build democratic self-government institutions. In the following section, the aspects of the international community's engagement in constructing democratic self-government institutions in the post-NATO intervention period will be explored.

7.3. The UN-Led State-Building Process in Kosovo in the Post-Conflict Period

Security Council Resolution 1244, which suspended Serbia's sovereignty over Kosovo, authorised the deployment of the NATO-led Kosovo Force (KFOR) to provide a secure environment (security-building) and the establishment of a civilian administration under United Nations auspices (UNMIK) mandated to:

1. maintain civil law and order and assure the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo (security-building);
2. promote the establishment of substantial autonomy and self-government in Kosovo, including the holding of elections (institution-building);
3. organise and oversee the development of provisional institutions for democratic and autonomous self-government (capacity-building).

[49] Catherine Guicherd, "International Law and the War in Kosovo", *Survival*, 41:2 (Summer 1999), pp. 19-34; Mary Ellen O'Connell, "The UN, NATO, and International Law After Kosovo", *Human Rights Quarterly*, 22 (2000), pp. 57-89; Roberts, 1999; Bring, 1999.

[50] "Military Technical Agreement between the International Security Force ("KFOR") and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia", (9 June 1999), available at http://www.nato.int/kosovo/docu/a990609a.htm [accessed 17 May 2007].

Resolution 1244 requested the Secretary-General of the UN to appoint a special representative, who would manage the implementation of the international civil presence and coordinate closely with the NATO-led international security presence. Sergio Vieira de-Mello, who would later act as the transitional administrator in Kosovo, was appointed as Acting Special Representative of the Secretary-General (SRSG) on an interim basis on 11 June 1999 as the head of an advanced team deployed to oversee the organisation of the mission. On 2 July, Kofi Annan appointed Bernard Kouchner of France as his special representative.[51]

Unlike in East Timor, where the UN had to assume most of the required responsibilities single-handedly, in Kosovo it shared the burden with regional organisations. The military component of the mission, KFOR, was not placed under UN command but run by the NATO, directly reporting to Brussels. The civilian component, UNMIK, was structured into "four pillars" each led by a different organisation and reporting to the SRSG:

1. Civil administration, led by the UN, was tasked with performing public administration and civil affairs, providing law-enforcement and developing a professional and impartial Kosovo Police Service, and administering judicial affairs;
2. Institution-building, directly by the Organization for Security and Cooperation in Europe (OSCE), was mandated to promote democracy and good governance and strengthen the capacity of local and central institutions, and develop the required mechanisms to strengthen the rule of law and respect for human rights;
3. Humanitarian assistance, led by the UN High Commissioner for Refugees, was created to coordinate humanitarian relief efforts of various international organizations, assure the safe return of refugees and displaced persons and respond to their immediate needs, and to set up an information management system for land mines and conduct mine action liaison with the international military presence – KFOR;

[51] United Nations, "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", *Security Council Document,* S/1999/779, (12 July 1999a), para. 3.

4. Reconstruction and development led by the European Union (EU), was tasked with planning and monitoring the reconstruction and rehabilitation of key infrastructure and other economic and social systems, developing a viable market-based economy, coordinating international financial assistance, assessing the existing legal, financial and fiscal structures and developing policies regarding trade and commercial issues, currency and monetary issues and the banking system.[52]

The humanitarian pillar was phased out in June 2000. Following the adoption of the Constitutional Framework for Provisional Self-Government in Kosovo May 2001, a new pillar "Police and Justice" responsible for law enforcement and justice was established under the leadership of the UN. As noted above, those functions were initially assumed by the Civil Administration pillar.

As said earlier, unlike Resolution 1272, which entrusted UNTAET with all legislative and executive authority including the administration of justice to supervise East Timor's transition to independence, Resolution 1244, which mandated, UNMIK to "provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia [now Serbia] and to provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo", did not provide a clear end-point. Similarly, the Report of the Secretary-General dated 12 July 1999, which vested UNMIK with "[a]ll legislative and executive powers, including the administration of the judiciary" to be exercised by the Special Representative of the Secretary-General, did not provide a set of guidelines to address the issue of status, which was the root cause of the conflict in the province.

The mandate UNMIK assumed in Kosovo was based on a "wait and see" approach, adopted by the international community regarding the issue of future status.[53] The view that any 'premature' attempt to determine the province's future

[52] United Nations, 1999a, paras. 55-109.
[53] Gerald Knaus and Marcus Cox, "The 'Helsinki Moment' in Southeastern Europe", *Journal of Democracy*, 16:1 (January 2005), pp. 40-53.

would have a potential to lead to instability within Kosovo and in the region, especially in neighbouring Macedonia, where the Albanians constitute 25% of the population, led to the adoption of this approach.[54] The absence of a clear political end-point and the international community's incapacity to formulate policy instruments to address the issue of status in a timely manner, however, led both the Albanians and Serbs to closely scrutinise every action undertaken by UNMIK and interpret its policies in two opposed meanings – either move towards an independent Kosovo or return to Belgrade's rule. For example, for the Serbs, UNMIK's decision to use the German mark (later the euro in January 2002) rather than the dinar as the currency in the province[55] meant an action aimed at formally breaking Kosovo away from Belgrade. The adoption of Yugoslav laws in force prior to 24 March 1999, the day the NATO aerial bombing campaign was launched, as the applicable law in the province[56] was seen by the Albanians as a move against independence.

It was not until the March 2004 riots, which showed that it was no longer possible to postpone the issue of Kosovo's future political status, that the UN adopted a more explicit and concrete approach to address the root cause of the conflict. However, having diametrically opposed positions regarding the future of the province, Belgrade and Phristina / Priština (restoration of Serbia's rule or partition the territory versus full independence) failed to reach an agreement at the end of the UN-mediated status talks. The solution that the Special Envoy of the Secretary-General of the United Nations, Martti Ahtisaari proposed in early 2007, "supervised independence", has not sufficed to end the conflict but led to a deadlock when Russia declared its intention to veto the proposed solution before the Security Council.

In the light of this information, the three components of the post-conflict state-building process in Kosovo, security-building, institution-building and capacity-building, will be investigated in the following section.

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[54] Interview with a senior UNMIK personnel, (Prishtina / Priština, 5 September 2006).

[55] See, UNMIK/REG/1999/4, (2 September 1999), accessible via http://www.unmikonline.org/regulations/index_reg_1999.htm [accessed 5 March 2006].

[56] See, UNMIK/REG/1999/1, (25 July 1999), accessible via http://www.unmikonline.org/regulations/index_reg_1999.htm [accessed 5 March 2006].

7.3.1. Security-Building

NATO's 78-day air campaign left Kosovo not only with a damaged infrastructure and a crippled economy but also a tense and deeply divided society, and no functioning civil administration and law and order institutions. During the course of the NATO air campaign between March and June 1999, an estimated total of 10,000 people, most of whom were the Albanians, were killed by the Serbian forces, and 863,000 Albanians were driven out of Kosovo and an additional 590,000 were displaced within the province.[57] Therefore, the immediate task for the NATO-led security force (KFOR) and for UNMIK was to prevent a security vacuum with a view to ensuring the safe return of refugees and displaced persons and deterring retribution of former victims.

However, UN and NATO failed to prevent the emergence of an administrative and security vacuum. Before UNMIK established its presence, the KLA-self-proclaimed provisional government formed by Hashim Thaci in the second week of the NATO air campaign in April 1999, took over administrative power in 27 of the 29 municipalities, where Albanians formed the majority.[58] The KLA-established administrative structures operated parallel to UNMIK until the local elections in October 2000. Benefiting from the power vacuum, KLA guerrillas collected taxes and were involved in ethnically and politically motivated crime and violent attacks on Serbs, Roma and other non-Albanians, as well as on moderate Albanians.[59] During the first months of the mission, an estimated 1,000 Serbs and Roma were reported unaccounted for after abductions.[60]

Exclusively focusing on the departure of the Serbian police and military forces and on consolidating control over the boundaries of Kosovo, the UN and NATO failed to prevent widespread revenge attacks on members of non-Albanian ethnic minorities and failed to provide a secure domestic environment.[61] Although more than 770,000 Albanian refugees returned to Kosovo during the first months of

[57] Independent International Commission on Kosovo, 2000, p. 2; United Nations, 1999a, para. 8.
[58] International Crisis Group, "Waiting for UNMIK: Local Administration in Kosovo", ICG Balkan Report, No. 79 (Prishtinë / Priština, 18 October 1999), p. i.
[59] OSCE, 1999; International Crisis Group, "What Happened to the KLA?", ICG Balkan Report No. 88 (Pristina, Washington, Brussels, 3 March 2000), pp. 14-18; Human Rights Watch, *Under Orders: War Crimes in Kosovo*, (New York, 2001).
[60] Human Rights Watch, 2001, p. 454.
[61] Yannis, 2001, p. 37.

the mission, approximately 150,000 non-Albanians, primarily Serbs and Roma, left the province for Serbia or Montenegro to escape from harassment, intimidation and attacks.[62]

Picture 7.1. A scene from the Roma mahalla (quarter) in southern Mitrovicë / Mitrovica destroyed and deserted by Kosovo Albanians immediately after the withdrawal of Serbian forces (Photo taken by the author on 12 September 2006).

The slow progress in the deployment of KFOR troops and UN civilian police officers, lack of coordination between UNMIK and KFOR, failure of the mission planners to anticipate revenge attacks and their lack of preparation for responding to potential threats to security, and the concern of NATO contingent nations for force protection were among the factors that led to this situation. During the first two months of the mission, when they were most needed, virtually none of the UN civilian police officers arrived in Kosovo and it took a year to deploy three-quarters of the authorised strength of 4,800.[63] Although some 36,500 KFOR troops were

[62] United Nations, "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", Security Council Document, S/1999/987, (16 September 1999b), paras. 9-10. See also "Kosovo Crisis Update", *UNHCR Emergency Updates*, (2 August 1999), available at http://www.unhcr.org/news/NEWS/3ae6b80f4c.html [accessed 9 October 2006]; Human Rights Watch, "Federal Republic of Yugoslavia – Abuses Against Serbs and Roma in the New Kosovo", Human Rights Watch Report, 11:10 (August 1999), available at http://www.hrw.org/reports/1999/kosov2 [accessed 12 October 2006].

[63] Iain King and Whit Mason, *Peace at Any Price: How the World Failed Kosovo*, (Ithaca, New York: Cornell University Press, 2006), p. 55; Fabrizio Hochschild, "'It Is Better to Leave, We Can't Protect You': Flight in the Months of United Nations Transitional Administrations in Kosovo and East Timor", *Journal of Refugee Studies*, 17:3 (2004), p. 292; Alexandros Yannis, "Kosovo Under International Administration", *Survival*, 43:2 (Summer 2001), p. 37; Independent International Commission on Kosovo, 2000, pp. 110-1. In his report dated 16 September 1999, Kofi Annan states that 1,100 civilian police officers were deployed from 25 countries. United Nations, "Report of the Secretary-General", (16 September 1999), para. 29. Independent International Commission on Kosovo

deployed in Kosovo by late July 1999,[64] in the first two months of their presence, few of the contingents were reported to shown "eagerness" to contain the KLA-spearheaded revenge attacks on non-Albanians and Albanians, branded as collaborators of the Milošević regime.[65]

	June-December 1999	January-December 2000	January-December 2001	January-December 2002
Murders	454	246	136	65
Kidnapping	190	189	153	75
Arson	1327	523	209	259

Table 7.3. Crime Statistics for 1999 and 2000 (Source: UNMIK Police Statistics 1999, 2000, accessible via http://www.civpol.org/unmik/statistics.htm [accessed 18 November 2006], United Nations, "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", *Security Council Document*, S/2002/113 (29 January 2003), p. 7).

The inadequate capacity of the UN and NATO to address the security problem and establish law and order during the early stage of the mission, in return, contributed to the segregation of the Serbs and Roma, who felt insecure and migrated to ethnically-homogenous enclaves. The town of Mitrovicë / Mitrovica in northern Kosovo was divided by the Ibar River into a Serb-dominated north and Albanian-dominated south, becoming a symbol of a divided Kosovo. The security vacuum in the north was immediately filled by a 'parallel' security system formed by a group of young Serb extremists who call themselves 'bridge watchers'.[66]

notes that as of September 1999, only 610 international policemen were stationed in Kosovo and an additional 78 were involved in border patrolling duties.

[64] King and Mason, 2006, p. 54.

[65] Hochschild, 2004, p. 290.

[66] Operating on the area surrounding the bridge on the Ibar River since the end of the NATO intervention, the bridge watchers act to prevent Kosovo Albanians from entering northern Mitrovicë / Mitrovica and collect information on KFOR and UNMIK police as well as on any Kosovo Albanian living in the north. They were paid from voluntary donations and out of the budget for the Belgrade-run hospital in Mitrovicë / Mitrovica. For further information, see OSCE, *Parallel Structures in Kosovo*, (October 2003), pp. 12-15, available at www.osce.org/documents/mik/2003/10/698_en.pdf [accessed 23 August 2006].

7.3.1.1. Demilitarisation

The NATO-led KFOR's mandate of establishing a secure environment for the people of Kosovo and international civil presence included the demilitarisation of the KLA guerrillas,[67] who fought on the ground against the Serbian forces during NATO's 78-day air campaign against the Milošević regime. Due to its contribution during the war, the KLA gained considerable political influence and was treated by the international community accordingly after the war. The treatment of the KLA by NATO members of the KFOR force as "comrades in combat", however, would lead to a limited disarmament process.[68]

Due to its role during the war, NATO recognised the KLA-led 'provisional government', formed by Hashim Thaci during the NATO air campaign, as the legitimate political authority immediately after the war ended on 10 June 1999.[69] As noted earlier, the Thaci government had already established local control in 27 municipalities before UNMIK arrived. On 21 June 1999, Hashim Thaci and Lieutenant General Michael Jackson, the commander of KFOR, signed an "Undertaking on Demilitarisation and Transformation" under which the KLA would cease to exist as an armed organisation and be transformed into a civil emergency force. The agreement stipulated that KLA guerrillas would hand in their weapons and ammunition within 90 days.[70]

The disarmament of KLA guerrillas was not carried out by the NATO-led KFOR force but left to the responsibility of KLA commanders. Indeed, disarmament of the KLA was not seen as a priority during the first year of the international mission.[71] At the end of the demilitarisation stage, the KLA handed 10,000 weapons over to KFOR.[72] After the completion of the demilitarisation, a large number of

[67] UN Doc. S/RES/1244 (1999), para. 9b.
[68] Hochschild, 2004, p. 297.
[69] Andreas Heinemann-Gruder and Wolf-Christian Paes, "Wag the Dog: The Mobilization and Demobilisation of the Kosovo Liberation Army", Bonn International Centre for Conversion, Brief 20 (Bonn 2001), p. 17.
[70] "Undertaking of Demilitarisation and Transformation by the UCK" is available at http://www.nato.int/kfor/kfor/documents/uck.htm [accessed 10 November 2006].
[71] Heinemann-Gruder and Paes, 2001, p. 19.
[72] These weapons included approximately 9,000 small arms, over 800 machine guns, 300 anti tank weapons and 178 mortars. Over 27,000 hand-grenades, 1,200 mines and over 1,000 kg of explosives were also handed in along with nearly 5-1/2 million rounds of assorted ammunition. See KFOR Press Statement, by Major Roland Lavoie, KFOR Spokesperson, (20 September 1999), http://www.nato.int/kosovo/press/1999/k990920a.htm [accessed 12 November 2006]; United Nations,

hidden arms and ammunition were found and confiscated by KFOR. In June 2000, for example, KFOR troops seized 60 tons of arms and ammunition, which was sufficient "to fully outfit two heavy-infantry companies, eliminate the entire population of Pristina [Prishtina / Priština] and destroy 900-1,000 tanks".[73] Although it remains unclear how many weapon caches the KLA still had, it is believed that the bulk of the KLA arsenal was stored in Albania.[74]

KFOR and UNMIK civilian police continued to search for weapons and were confiscating 10-15 weapons each week from members of all ethnic communities throughout Kosovo during that period.[75] Between August and October 2001, UNMIK police and KFOR troops detained 1,000 individuals for possessing unauthorised weapons and seized 1,100 rifles and pistols, 1,700 grenades, approximately 1,100 anti-tank weapons and about 170,000 rounds of ammunition throughout the province.[76]

The disarmament of the KLA was formally completed on 20 September 2000. As will be discussed in the following section, it was followed by the establishment of a multi-ethnic civilian Kosovo Protection Corps (KPC or TMK in Albanian) to facilitate the reintegration of former KLA fighters into civilian life in the post-armed conflict period.

"Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", Security Council Document, S/2000/177, (3 March 2000), para. 26.

[73] Heinemann-Gruder and Paes, 2001, p. 20, citing Tim Ripley, "The UCK's Arsenal", *Jane's Intelligence Review*, (November 2000), p. 22.

[74] Heinemann-Gruder and Paes, 2001, pp. 20-1.

[75] United Nations, 2000, para. 26.

[76] United Nations, "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", Security Council Document, S/2001/926, (2 October 2001d), para. 8.

7.3.1.2. Transformation of the KLA into the Kosovo Protection Corps (KPC)

Modelled on the Security Civil of France, the KPC would consist of 5,000 members, of whom 3,000 would be active forces and 2,000 reservists, to be largely recruited from the demilitarised KLA leadership and ranks.[77] At least 10% of both active and reserve members would be filled from minority communities.[78] The KPC operating under the authority of the SRSG would be provided day-to-day supervision by KFOR. Having no role in law enforcement or the maintenance of law and order, the KPC was charged with providing disaster response services and humanitarian assistance, carrying out search and rescue, assisting in demining and helping to rebuild infrastructure.[79] Only 200 KPC members were authorised to carry weapons for guarding installations and for security when units are deployed.

The International Organisation for Migration (IOM) was assigned to register KLA members and initiate information and training programmes for civilian employment. IOM registered 25,723 ex-combatants during the registration period between July and November 1999.[80] More than 20,000 applications, including from more than 100 Bosniacs and 730 women, were received for employment with the KPC. No Serbs applied for a position in the KPC.[81] Following the appointment of 46 KPC leaders, the KPC was officially constituted on 21 July 2000. As of 25 February, the total strength of the KPC stood at 544 persons.[82]

The creation of the KPC did not fully satisfy the Albanians, particularly ex-KLA members, who were in favour of an army rather than a 'civil emergency agency'. The Serbs, who were not content with the insertion of former KLA combatants into the KPC, were doubtful about its professionalism and neutrality.[83]

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[77] See UNMIK/REG/1999/8, (20 September 1999), available http://www.unmikonline.org/regulations/1999/re99_08.pdf [accessed November 2006]; "Statement of Principles on the Kosovo Protection Corps", (1999), http://www.nato.int/kfor/kfor/kpc/stmt_principles.htm [accessed 14 November 2006].

[78] UNMIK/REG/1999/8, (20 September 1999), Section 2.2.

[79] Ibid., Section 1.

[80] This number was higher than expected, raising doubts as to whether all the registered persons were in fact KLA combatants or the number was inflated by non-combatants looking for assistance. For a brief review of the registration period and reintegration efforts, see International Organisation for Migration (IOM), "Kosovo Reintegration Efforts Are Bearing Fruits", IOM Release, (16 March 2000).

[81] UNMIK, "Kosovo Protection Corps", available at http://www.unmikonline.org/1styear/kpcorps.htm [accessed 5 June 2006].

[82] United Nations, 2000a, para. 28.

[83] Edward Rees, "Security Sector Reform (SSR) and Peace Operations: 'Improvisation and

Approximately 70% of the 3,052 active KPC personnel were selected from former KLA guerrillas.[84] As noted earlier, the UNMIK Regulation on the establishment of the KPC stipulated that 10% of the KPC would be recruited from members of non-Albanian ethnic groups. However, minority representation remained a major problem. As of May 2005, only 48 Serbs (of a total of some 3,000 officers, corresponding to 5.3%) participated in the KPC as active members.[85]

Figure 7.1. KLA logo

Figure 7.2. KPC logo

Although the KPC was not intended by KFOR and UNMIK to be a successor organisation to the KLA, its red and black logo is almost identical to the KLA emblem, and the corps, from the beginning, saw themselves as the members of the future army. The creation of the mostly unarmed KPC was in fact a compromise offered by UNMIK and KFOR with a view to achieving their mandate to demilitarise the KLA and convince KLA leaders to abandon their insistence on keeping some form of standing military force.[86] Although UNMIK and KFOR tended to consider the KPC as a civilian emergency force and treated it accordingly, they never explicitly stated that the KPC, which has developed as a *de facto* "military-style organisation",[87] would not become a national army in the future. For a majority of the Albanians, KPC has been an "army in waiting".[88] In fact, the title of the KPC in Albanian, Trupat Mbrojtëse të Kosovës (TMK), can be translated as "Kosovo Defence Force"[89] because the word "mbrojtje" can mean both "protection" and

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Confusion' from the Field", Peacekeeping Best Practices, (March 2006), p. 20.
[84] International Crisis Group, "An Army for Kosovo?", Europe Report No. 174, (28 July 2006), p. 3.
[85] United Nations, "Report of the Secretary General on the United Nations Interim Administration Mission in Kosovo", Security Council Document, S/2005/335, (23 May 2005a), para. 84.
[86] International Crisis Group, 2000, p. 1.
[87] Ibid., p. 6.
[88] Idem, 2006b, pp. 12-3; Rees, 2006, p. 17.
[89] Heinemann-Gruder and Paes, 2001, p. 22.

"defence".[90] For the Serbs, who feared and despised the KPC,[91] its creation was a move towards an Albanian-dominated independent Kosovo.

Minority ethnic groups, from the beginning, were concerned with the organisation and composition of the KPC. The alleged involvement of some members of KPC in illegal law enforcement and their participation in political rallies and incidents of ethnic intolerance remained a major issue of concern for the minority communities.[92] According to classified NATO reports, some KPC members were alleged to have attacked Serbs and been involved in illegal trade in sex workers, cigarettes, fuel and weapons.[93] Several KPC members were arrested by UNMIK police and NATO troops in 2000 and 2001. In February 2000, two KPC members were arrested by UNMIK police in connection with the killing of an ethnic Gorani.[94] Two other KPC officers were arrested by KFOR in March 2001 in connection with the bombing of a bus carrying Kosovo Serbs in February, which led to the death of eleven Serbs and forty passengers.[95] These arrests caused suspicion in the international community about the KPC and negatively affected the relations between the KPC and KFOR. The KPC received less financial assistance from the international community and its size contracted. Its budged was kept to roughly €15 million, and full-time salaries and the employment of the 2,000 designated reserves among its 5,000 members ceased in 2003.[96]

[90] International Crisis Group, 2000, p. 6.
[91] Idem, 2006b, p. 12.
[92] United Nations, 2000a, para. 32.
[93] King and Mason, 2006, p. 59; See also United Nations, "Report of the Secretary-General", (3 March 2000), para. 62.
[94] John Sweeney and Jens Holsoe, "Kosovo 'Disaster Response Service' Stands Accused of Murder and Torture", *The Observer*, (12 March 2000).
[95] Christian Jennings, "SAS Troops Seize Kosovo Bomb Suspects", *The Daily Telegraph*, (28 March 2001). One of the suspects held at the US-run detention facility later escaped in May 2001. See UNMIK- KFOR - UNMIK Police - UNHCR Press Briefing, (14 May 2001), http://www.unmikonline.org/press/2001/trans/tr140501a.html [accessed 26 November 2006]; "Kosovo Bus Bombing Suspect Escapes", *Los Angeles Times*, (15 May 2001).
[96] International Crisis Group, 2006b, p. 2.

7.3.1.3. Kosovo Police Service (KPS)

Establishing a professional, multi-ethnic Kosovo Police Service (KPS), which was initially planned to have 5,000 members and later increased to 7,000, was one of the mandates assumed by the international administration in Kosovo to ensure the rule of law. To this end, on 7 September 1999 a police school was established by OSCE, responsible for institution-building, in Vushtrri / Vučitrn in north central Kosovo, where the first group of 200 cadets, selected from more than 19,500 applicants,[97] were provided with a nine-week basic training course.[98] This was followed by a 19-week field training programme administered by UNMIK police.[99] Upon the completion of field training, KPS cadets went through a six-week career rotation and one-week of proficiency examinations. The selection procedures were based on four criteria: minimum requirements, preferred qualifications, comprehensive written and oral examinations and psychological and physical fitness requirements.[100]

Regarding the ethnic composition of the police service, it was agreed that 15% of KPS cadets were chosen from minority communities. There were 8 Serbs and 11 other minorities in the first class, 28 Serbs and 14 other minorities in the second class, and 18 Serbs and 5 minorities in the third class which began school training in February 2000.[101] As of September 2000, a total of 1,692 local police officers representing all of Kosovo's ethnic groups graduated from the KPS school and were deployed with UNMIK police field-training officers throughout the province.[102]

As table 8.4. shows, contrary to the KPC, which has not been 'owned' by minority groups but seen as a 'successor' to the Albanian guerrilla force of the KLA, the Kosovo Police Service has so far seemed to be a functioning multi-ethnic institution in the province, despite the fact that approximately 25% of KPS officers are former KLA fighters. Often cited as the only functioning multi-ethnic public institution in Kosovo, the KPS is widely regarded as a success story for UNMIK.[103]

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[97] United Nations, 1999b, para. 30
[98] Idem, 2000a, para. 43.
[99] Ibid.
[100] United Nations, 2000a, para. 44.
[101] Ibid., para. 45.
[102] United Nations, "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", Security Council Document, S/2000/878, (18 September 2000b), para. 30.
[103] Heinemann-Gruder and Paes, 2001, p. 28; Soren Jessen-Petersen, "Challenges of Peacebuilding:

Ethnicity	Female	Male	Total	% Total
Albanian	742	4017	4759	84.54%
Ashkalia	0	18	18	0.32%
Bosniac	31	158	189	3.36%
Cerkezi	0	4	4	0.07%
Croat	0	2	2	0.04%
Egyptian	1	5	6	0.11%
Gorani	0	23	23	0.41%
Macedonian	1	0	1	0.02%
Montenegrin	1	1	2	0.04%
Roma	1	17	18	0.32%
Serbian	60	470	530	9.42%
Turkish	8	67	75	1.33%
Others	0	2	2	0.04%
TOTAL	**845**	**4784**	**5629**	**100%**

Table 7.4. Ethnic and gender composition of the Kosovo Police Force as of 19 December 2003 (Source: UNMIK Police and Justice Pillar website, http://www.unmikonline.org/justice/police.htm [accessed on 22 November 2006].

By mid-2005, 6,953 police officers, of whom 84% were Albanians, 10% were Serbs and 6% belonging to other minority groups, were trained at the KPS school.[104] The KPS, which has reached 7,400 in strength, is considered capable of doing the basic policing well and is seen as the least corrupt police force in the region by international observers.[105] However, they also note that, suffering from low education levels and inexperience, the Albanian-dominated KPS in the post-UNMIK period is likely to be challenged in maintaining institutional standards and integrity, and encouraging the participation of minorities especially the Serbs.[106]

The Example of Kosovo", S+F Sicherheit und Frieden [Security and Peace], 24:1 (2006), p. 8.

[104] Organisation for Security and Cooperation in Europe (OSCE), "Police Education and Development", Fact Sheet, (15 April 2005), available at http://www.osce.org/publications/mik/2005/04/14272_323_en.pdf [accessed 22 November 2006].

[105] International Crisis Group, "Kosovo: The Challenge of Transition", *Europe Report No. 170*, (17 February 2006a), p. 6.

[106] International Crisis Group, 2006a, p. 6.

7.3.2. Institution-Building

Established to govern the war-devastated Kosovo for an indefinite period, UNMIK was explicitly mandated to oversee the development of democratic self-governing institutions with a view to building sustainable peace. Until the adoption of the Constitutional Framework for Provisional Self-Government in Kosovo ("the Constitutional Framework" hereinafter) on 15 May 2001, which transferred some authority to the newly-created provisional self-government institutions, the Special Representative of the Secretary-General (SRSG) held all power in Kosovo. Like in East Timor, the international community's initial approach to establishing democratic institutions and promoting 'substantial autonomy' in Kosovo was shaped by consolidating its authority and creating a consultative forum. The Kosovo Transitional Council (KTC) was established on 16 July 1999 to bring together leaders of major political parties, ethnic and religious communities, and representatives of civil society. Although it was said to have been established to give the people of Kosovo "a direct input into the UNMIK decision-making process",[107] it had no real authority and power; power was concentrated in the hands of Bernard Kouchner, the first SRSG.

The KTC was also crippled by the fragmented political and social landscape in the province. As noted earlier, before UNMIK established its presence, the KLA-proclaimed 'provisional government', formed by Hashim Thaci, during the NATO aerial bombing, held control in 27 municipalities where the Albanians formed the majority of the population. Meanwhile, Ibrahim Rugova, who was the leader of the passive resistance movement and the first President of the self-declared Republic of Kosovo, argued that his party, the Democratic League of Kosovo (Lidhja Demokratike e Kosovës, LDK), was the legitimate representative of the Albanian community in the province. The struggle between these two 'parallel Albanian governments' hampered UNMIK's efforts to create a working relationship within the KTC.

With regard to the Serb participation, although some moderate Kosovo Serbs participated in its first meeting on 16 July 1999, they withdrew from the KTC

[107] United Nations, "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", Security Council Document, S/1999/987, (16 September 1999b), para. 2.

following the massacre of 14 Serb farmers on 23 July.[108] The Kosovo Serb population, who gathered in isolated enclaves in central and southern Kosovo or moved to the Serb-dominated northern Mitrovicë / Mitrovica, established their own municipal assemblies where they were represented by their moderate leaders or Belgrade-oriented hard-liners.

In order to dissolve all existing Albanian and Serbian parallel structures for revenue collection and provision of public service, UNMIK moved towards sharing some of its central and municipal administrative responsibilities with local representatives. On 12 December 1999, Kouchner issued a regulation, which stipulated that the law in force in Kosovo prior to the revoking of autonomy in 1989 would be the applicable law,[109] rather than the Yugoslav law that was in force before 24 March 1999. His move facilitated the participation of the three big Albanian political entities led by Ibrahim Rugova, Hashim Thaçi and Rexhep Qosja[110] in the newly-created Joint Interim Administrative Structure (JIAS) to be headed by the Office of the SRSG.

Established on 14 January 2000 to assist in administering Kosovo until the establishment of provisional government institutions, the joint administrative institutions included the Interim Administrative Council (IAC), a 36-member KTC, 14 (later increased to 20) administrative departments, municipal councils and administrative boards at the local administration level.[111]

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[108] "14 Serb Farmers Killed in Kosovo, NATO Reports", *CNN World*, (23 July 1999).

[109] United Nations, "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", Security Council Document, S/2000/878, (18 September 2000b), para. 2

[110] These three Albanian figures were the signatories to the Rambouillet Accords, proposed by the international community to end the armed conflict in Kosovo in March 1999.

[111] UNMIK/REG/2000/1, (14 January 2000), available at http://www.unmikonline.org/regulations/2000/re2000_01.htm [accessed 3 December 2006].

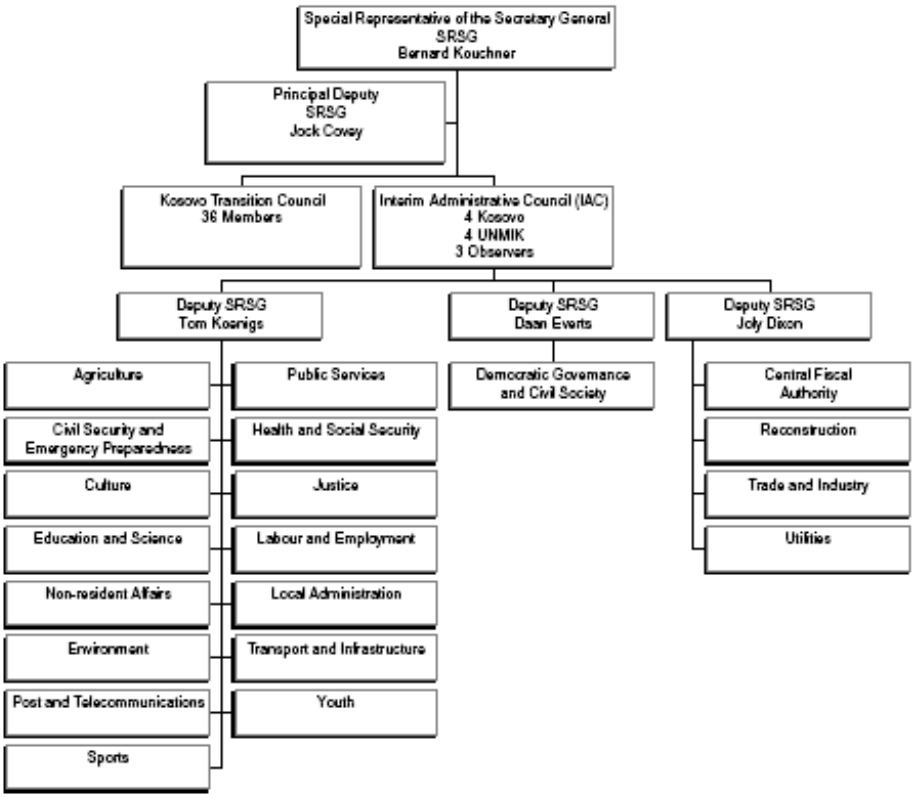

Figure 7.3. Joint Interim Administrative Structure (Source: UNMIK-EU Department of Reconstruction, *Kosovo: Reconstruction 2000*, (April 2000), available at http://www.seerecon.org/kosovo/documents/reconstruction2000/recon2000.pdf [accessed 28 November 2006].

Headed by the SRSG, the IAC was envisioned as a preliminary executive body, consisting of eight members to be appointed by the SRSG. Its membership included three Albanian leaders, Ibrahim Rugova, Hashim Thaçi and Rexhep Qosja, one Serb representative, as well as the heads of the three UNMIK pillars (Civil Administration led by the UN, Economic Reconstruction directed by the EU and Democratisation and Institution-Building led by the OSCE) and one observer representing Kosovo's civil society. The IAC was tasked with making recommendations to the SRSG for amendments to the applicable law and for framing new regulations and proposing policy guidelines for administrative departments in applying the law. The KTC whose membership was enlarged to better mirror the ethnic composition of Kosovo's population was defined as the highest consultative body of JIAS. Administrative departments tasked with undertaking provisional administrative duties to implement the policy guidelines formulated by the IAC were also created within JIAS. These departments would jointly be headed by a Kosovo and UNMIK Co-Head of Department. The said regulation stipulated that all other

parallel structures of an executive, legislative or judicial nature would be dissolved by 31 January 2000 when the JIAS would be operational.

Although the creation of the above-mentioned bodies increased the level of involvement of local actors in the process of Kosovo's governance, the SRSG held the ultimate executive and legislative authority while other members of the international civilian administration and security presence enjoyed legal immunity. Cases involving KFOR personnel and disputes between UNMIK and its staff, for example, were excluded from investigations by the Ombudsperson's Institution, established by the OSCE in late-2000 to address complaints from any person or entity in Kosovo regarding human rights violations and actions constituting an abuse of authority by UNMIK and the newly emerging public institutions.[112] The jurisdiction of the Ombudsperson was restricted to providing advice and making recommendations.[113] In his annual and special reports issued in 2001 and 2002, the Ombudsperson repeatedly criticised UNMIK's practice of holding arrested individuals in detention for extended periods of time before being brought before a judicial authority and of continuing to hold several individuals under arrest despite a release order by a judicial authority.[114] In response to these criticisms, UNMIK officials argued that after two years the mission was established, Kosovo still ranked as an "internationally-recognised emergency" that required "special measures that…allow authorities to respond to the findings of intelligence that are not able to be presented to the court system".[115] The continued critics and comments of the international Ombudsperson Marek Nowicki on the inadequacy of human rights protection mechanisms and lack of systems of checks and balances on the international civilian and military presence[116] were later met with counter actions by UNMIK. In fact, according to UNMIK, his criticisms did not take into account some "political imperatives" and the Ombudsperson's Institution "did not behave like team

[112] UNMIK/REG/2000/38 (30 June 2000). On the legal status of KFOR and UNMIK personnel and their exemption from jurisdiction before courts in Kosovo, see UNMIK/REG/2000/47 (18 August 2000).
[113] Ibid.
[114] Chesterman, 2005, p. 148.
[115] Ibid., p. 149.
[116] See for example, Ombudsperson Institution in Kosovo, *Fourth Annual Report, 2003-2004*, (12 July 2004), pp. 14-18.

players".[117] His mandate, which expired in mid-2005, was not extended and he was replaced with a Kosovo Albanian jurist, Hilmi Jashari, in January 2006. As per UNMIK Regulation 2006/06, the jurisdiction of the Ombudsperson was restricted to receiving and investigating complaints concerning human rights violations and acts of abuse of authority by the local institutions only.[118] The exclusion of oversight of UNMIK from the Ombudsperson's jurisdiction not only represented an inconsistency between the promoted principles of democratic governance such as accountability and the rule of law and the way they were practised by the international community but also further complicated the already strained relations between UNMIK and the local population.

UNMIK's "authoritarian state-building" model aimed to prevent the resumption of armed conflict and political instability that may be caused by unilateral attempts by the Kosovo Albanians to assert statehood in defiance of the international community's "wait and see" approach regarding the issue of future status.[119] In fact, according to the members of the international community, given the erosion of national sovereignty within the context of European integration, the issues of sovereignty and statehood were "symbolic rather than substantive" matters with no impact on the day-to-day governance of Kosovo.[120] However, this represented an unrealistic evaluation of the political and social situation in Kosovo because this was the root cause of the Kosovo conflict: that is, who has the right to rule Kosovo; Albanians or Serbs? UNMIK's failure to address the issue of status and its reluctance to devolve authority to the newly established institutions fuelled a growing sense of local discontent. In addition to this, frequent boycotts of the joint institutions by the Serb and Albanian leaders further limited the capacity and legitimacy of the international community-supervised provisional institutions.

In May 2000, the moderate Serb representatives suspended their participation in the joint administrative bodies following the outbreak of a wave of violence against Kosovo Serbs. It was only after the SRSG, Bernard Kouchner, guaranteed the taking of a series measures to improve the security of the Serb population in late June

[117] Slaven Kranjc, "Corruption and Ad Hoc Solutions: Interview with Marek Antoni Nowicki, Former International Ombudsman of Kosovo", Vreme Magazine, (14 September 2006).
[118] UNMIK/REG/2006/06 (16 February 2006).
[119] Knaus and Cox, 2005, p. 48.
[120] International Crisis Group, 2003, p. 2.

2000 that the moderate Serb leaders agreed to return to JIAS.[121] Shortly after the Serbs agreed to return to the joint institutions, provisions of a draft regulation on the structure and functions of municipal administrations led Hashim Thaci and members of his newly established political party (Party for Democratic Progress of Kosovo / PPDK)[122] to freeze their participation in the IAC and KTC. Following intensive efforts by UNMIK, the draft regulation was subsequently endorsed by IAC on 11 July 2000 and PDK resumed its participation in the two joint administrative structures.[123]

Under these circumstances, the first municipal elections were held in 30 municipalities on 28 October 2000. The election results could not be certified in the three northern municipalities (Leposaviq / Leposavić, Zubin Potok and Zveçan / Zvečan) where the Serb community established and maintained their parallel institutions funded by Belgrade and voter turnout was negligible. A total of 34 political parties and 15 independent candidates contested in the elections, which was boycotted by the Kosovo Serb parties. Ibrahim Rugova's Democratic League of Kosovo (LDK) received 58% of the votes cast while Thaçi's Democratic Party of Kosovo (PDK) 27%. The Alliance for the Future of Kosovo (AAK), which emerged as the second KLA-rooted political party in Kosovo's politics, became the third leading party with 8% of the vote.[124] In 21 municipalities, moderate Albanian leader Rugova's LDK won a majority of votes and dominated the municipal administrative bodies. In the three northern municipalities, the SRSG appointed the presidents and members of municipal assemblies, drawing from various Serb parties associated with opposition to Milošević's Socialist Party.[125]

In March 2001, UNMIK established a 14-member joint working group with seven representatives from Kosovo's political parties and civil society and seven from the international administration to draft a "legal framework" for the province's provisional self-government institutions. Although a general agreement on the

[121] "Joint UNMIK-SNC Understanding on Serbs' Return to JIAS Signed", Press Release, UNMIK/PR/282, (29 June 2000), available at http://www.unmikonline.org/press/press/pr282.html [accessed 4 December 2006].
[122] It was later renamed the Democratic Party of Kosovo (Partia Demokratike e Kosovës, PDK).
[123] United Nations, 2000b, para. 5.
[124] Election results can be seen at http://www.osce.org/documents/mik/2000/11/20458_en.pdf [accessed 5 December 2006].
[125] United Nations, "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", Security Council Document, S/2000/1196, (15 December 2000c), para.8

institutions to be created was reached between the international and local members of the joint working group, a series of disputes on certain points arose. These included the name of the legal document, the extent to which Serbia's sovereignty would be explicitly stressed, scope of responsibilities to be transferred to the new institutions, time-frame for the international administration, establishment of a constitutional court and organisation of a referendum on Kosovo's future status.[126]

After weeks of intensive negotiations, the document was finally completed by the newly appointed SRSG, Hans Haekkerup of Denmark, who termed the document as the "constitutional framework" rather than the "legal framework", which was initially suggested by UNMIK, or the "constitution", which Albanian leaders demanded. The document, which contained no provision on the issues of Serbia's sovereignty, on organisation of a referendum for independence, or on setting a time-frame for the completion of UNMIK's mandate and establishing a constitutional court, listed a range of areas where the SRSG would continue to exclusively exercise extensive powers and responsibilities. The SRSG's "reserved powers and responsibilities" included dissolving the assembly and calling for new elections, controlling the budget and monetary policy, administering public, state and socially-owned property, exercising final authority regarding the appointment, removal from office and disciplining of judges and prosecutors, and exercising authority over law enforcement institutions and the correctional service.[127] The retention of executive powers and responsibilities in a range of significant issue areas by one single, foreign, non-elected individual, however, represented a serious contradiction with implementing the mandate in Resolution 1244: promoting "sustainable autonomy" and "meaningful self-government" through restricting the local capacity to self-govern.

The Constitutional Framework, which envisioned the creation of provisional self-government institutions, was promulgated in May 2001. The provisional political institutions included a 120-member Parliament with a seven-member Presidency and a government. In the Parliament, 100 of the 120 seats would be

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[126] Blerim Reka, *UNMIK as an International Governance with Post-War Kosova; Nato's Intervention; UN Administration and Kosovar Aspirations*, (Logos A, Skopje, 2003), p. 244.

[127] "Constitutional Framework for Provisional Self-Government", UNMIK/REG/2001/9, (15 May 2001), Chapter 8, available at http://www.unmikonline.org/constframework.htm [accessed 9 December 2006].

distributed in proportion to votes gained. 20 seats were set aside for minority representation – ten for the Serbs, four for the Roma, Ashkali and Egyptian communities, three for the Bosniacs, 2 for the Turkish community, and one for the Goranis.[128] The seven-member Presidency would consist of two representatives from the two biggest party, one from the third largest party, one Serb and one non-Serb minority representative. Regarding the formation of the executive branch, the Constitutional Framework stipulated that at all times at least two ministers would be from minority communities. Of the two, one would be from the Serb community. In the event that there are more than twelve ministers, a third minister would be from a non-majority community.[129]

The first general elections were held on 17 November 2001. Unlike the municipal elections, the Serb parties contested in the elections through Return Coalition ("Povratak"). A total of 22 political parties and 3 independent candidates ran in the elections. The turnout was 64.3%. None of the parties won enough seats (61) in the 120-member Assembly to form the government.

As the results of the elections shown in Table 7.5. suggest, political parties that ran in the elections were ethnicity-based parties and voting behaviour followed ethnic lines. In other words, the notion of political representation in Kosovo is based on ethnicity or ethnic group participation rather than individual preferences. Although the institutional design of the Kosovo Assembly aimed to reflect the pluralistic view of the province and prevent the exclusion of non-Albanian minority communities from the political process, it contributed to the further ethnicisation of Kosovo's politics and strengthening of ethnic cleavages in the post-1999 period.

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[128] Constitutional Framework, Section 1.

[129] UNMIK Regulation No. 2001/19 adopted on 13 September 2001 stipulated the establishment of the office of the prime minister and nine ministries: (1) Ministry of Finance and Economy, (2) Ministry of Trade and Industry, (3) Ministry of Education, Science and Technology, (4) Ministry of Culture, Youth and Sports, (5) Ministry of Health, Environment and Spatial Planning, (6) Ministry of Labour and Social Welfare, (7) Ministry of Transport and Communications, (8) Ministry of Public Services, and (9) Ministry of Agriculture, Forestry and Rural Development. The said Regulation confirmed the power of the SRSG to "take such measures as may be required to enhance the effectiveness" of the ministries. The Ministry of Health, Environment and Spatial Planning was later split into two as the Ministry of Health and Ministry of Environment and Spatial Planning. For functions and responsibilities of each ministry, see UNMIK/REG/2001/19, (13 September 2001), available at http://www.unmikonline.org/regulations/2001/reg19-01.pdf [accessed 5 December 2006].

Parties and Coalitions	% of Votes	Seats
LDK (Democratic League of Kosovo - Lidhja Demokratike e Kosovës)	45.65	47
PDK (Democratic Party of Kosovo - Partia Demokratike e Kosovës)	25.70	26
Coalition "Return" (Koalicija "Povratak")	11.34	22 (12+10)
AAK (Alliance for the Future of Kosovo - Aleanca për Ardhmërinë e Kosovës)	7.83	8
Coalition VATAN (Bosniac and Gorani Coalition)	1.15	4 (1+3)
KDTP (Turkish Democratic Party of Kosovo - Kosova Demokratik Türk Partisi)	1.00	3 (1+2)
IRDK (New Democratic Initiative of Kosovo - Iniciativa e re Demokrarike e Kosovës)	0.5	2 (1+1)
PDASHK (Democratic Party of Ashkali Albanians – Partia Demokratike Ashkanli Shqiptare e Kosovës)	0.43	2 (0+2)
LKÇK (National Movement for Liberation of Kosovo – Lëvizja Kombërate për Çlirimin e Kosovës)	1.11	1
PSHDK (Albanian Christian Democratic Party – Partia Shqiptare Demokristiane e Kosovës)	0.98	1
PD (Party of Justice - Partia e Drejtësisë)	0.57	1
LPK (People's Movement of Kosovo – Lëvizja Popullore e Kosovës)	0.56	1
PREBK (United Roma Party of Kosovo – Partia Rome e Bashkuar e Kosovës)	0.34	1 (0+1)
BSDAK (Bosniac Party of Democratic Action – Bošnjačka Stranka Demokratske Akcije Kosova)	0.37	1
Total		**120**

Table 7.5. Results of the 2001 Kosovo Assembly election results (Source: OSCE, http://www.osce.org/documents/mik/2001/11/20460_en.pdf [accessed 7 December 2006]

After three months of intense negotiations between the three biggest Albanian parties, LDK, PDK and AAK, a coalition government was finally formed in March 2002. Although the government was put in place and some powers were transferred to local institutions, the lack of progress over the issue of status fuelled local discontent. To revitalise the stagnating relations between UNMIK and local stakeholders, the new SRSG, Michael Steiner of Germany, who replaced Hans Haekkerup in January 2002, outlined a set of objectives to the Security Council that Kosovo's institutions were expected to satisfy by May 2005 to address the issue of final status. This policy, which came to be known as "standards before status", included a set of benchmarks in eight specific areas relating to democratic governance and treatment of ethnic minorities that would be used to measure Kosovo's political and social development. These areas included functioning democratic institutions; the rule of law; freedom of movement; returns and integration; the economy; respect for property rights; dialogue with Belgrade; and building of the Kosovo Protection Corps (KPC) as a civilian emergency force in line with its mandate.[130]

[130] "Michael Steiner's Address to the Security Council", UNMIK Press Release, (24 April 2002),

The standards were formally launched by the new SRSG, Harri Holkeri and Prime Minister Bajram Rexhebi on 10 December 2003.[131] Endorsed by the Security Council on 12 December, this new mechanism envisioned a substantive review in mid-2005 of Kosovo's provisional institutions' progress in satisfying the standards on governance and inclusion of ethnic communities in order to decide whether or not to proceed to the next stage – the beginning of a process to determine Kosovo's future status.

The "standards before status" policy, which linked the issue of status to Kosovo's provisional institutions' ability to fulfil a set of objectives in democratic governance, became the basis of UNMIK's approach to strengthening the capacity of local governmental and institutional structures and promoting inter-ethnic cooperation. The "standards", which also became UNMIK's 'exit strategy', however, did not include an implementation plan and clearly-defined indicators to measure to what extent these externally-devised benchmarks were fulfilled. In fact, for many Albanians, the "standards" approach meant that it was adopted by the international community to block their aspirations for independence for indefinitely.[132] The lack of clarity over what would be awaiting in mid-2005 and UNMIK's slow progress in devolving authority to local provisional institutions, in return, removed incentives and leverage from the standards process,[133] fuelling the already growing frustration within the Albanian population that would explode in mid-March 2004.

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available at http://www.unmikonline.org/press/2002/pressr/pr719.htm [accessed 12 December 2002].

[131] "Standards for Kosovo", *UNMIK Press Release*, UNMIK/PR/1078, (10 December 2003) available at http://www.unmikonline.org/press/2003/pressr/pr1078.pdf [accessed 16 December 2006].

[132] Steven C. Woehrel and Julie Kim, Kosovo and US Policy, *Congressional Research Service (CRS) Report for Congress*, RL31053, (24 January 2005), p. 8.

[133] International Crisis Group, 2004, p. 5.

7.3.3. Capacity-Building

As suggested in the introduction chapter, developing governmental capacity is essential to achieving democratic transition and consolidation. This entails empowering central government structures with the capability to exercise political authority and enforce the rule of law throughout the entire territory and perform their roles and responsibilities.

With the intention of strengthening the capacity of Kosovo's provisional institutions to execute democratic governance through creating a functioning bureaucracy, the Organisation for Security and Cooperation in Europe (OSCE) was specifically mandated to "identify the needs of local civil administrators and provide them with the required training as quickly as possible".[134] Although OSCE was designated as the lead agency responsible for coordinating capacity-building programmes and developing an integrated approach to the strengthening of governance structures in Kosovo, in practice, it did not act so. A number of international development partners, including UNMIK, United Nations Development Programme (UNDP), European Agency for Reconstruction (EAR), European Union (EU), World Bank, United States Agency for International Development (USAID), acted as independent capacity-development providers. This situation, as happened in East Timor, led to the duplication of efforts and overlapping of roles and responsibilities. All agencies carried out their own skills and needs assessment and, depending on the outcome, organised their own capacity-building programmes in the form of mentoring, in-service technical training and education.[135]

During the first phase of the international administration from mid-1999 to early-2000, the focus of work was mainly on moving from emergency and humanitarian management to the day-to-day performance of civil service functions.[136] Most of the training programmes organised during this period focused on developing the capacity of international staff and building the skills of local

[134] United Nations, 1999a, para. 80
[135] Knut G. Kirste, "Administrative Capacity Building in Kosovo: An Assessment of UNMIK / OSCE's Civil Administration Policy", Council for Asia Europe Co-operation (CAEC), draft version, (13 December 2001), p. 25.
[136] United Nations Department of Economic and Social Affairs, "Public Administration in Kosovo: Situational Analysis and Strategy", *Draft Discussion Paper*, (25 July 2003), p. 24.

employees in basic administrative functions.[137] By late 2001, a total of 3,500 civil servants participated in the OSCE-run public management training programmes.[138] However, it became rather difficult to measure the impact of these training programmes on the day-to-day performance of trainees given the fact that some of the early trained senior managers lost their positions after the first municipal elections held in October 2000 and some others transferred into more paid-jobs in the private sector.[139]

Like in other post-conflict situations such as East Timor, training activities, carried out by international development partners for Kosovar civil servants, were often supply-driven, organised with a top-down approach and constrained by uncoordinated donor assistance.[140] Motivated to achieve quick results in the short-term, international state-builders in Kosovo, in other words, were far from pursuing a participatory approach with a view to creating a sense of ownership of programmes and policies introduced by them and ensuring their sustainability in the post-international administration period.

As noted earlier, the international community's approach to building the capacity of Kosovo's provisional institutions was based on the implementation of the "standards before status" policy, formally adopted in December 2003. The March 2004 violent riots, during which Kosovo's provisional government institutions, particularly the security structures, failed to perform their basic roles and responsibilities, however, showed the impossibility of implementing vaguely-defined, open-ended 'standards' to empower the governance structures in Kosovo.

The riots were triggered by the shooting of a Kosovo Serb teenager in the ethnically Serb-dominated village of Caglavica / Čaglavica, near the capital Prishtina / Priština, on 15 March 2004, and the drowning of three Albanian children near ethnically divided town of Mitrovicë / Mitrovica on the following day, which was covered by the Albanian media in an inflammatory way.[141] Rapidly spreading

[137] Ibid.
[138] Kirste, 2001, p. 21.
[139] Ibid., p 21.
[140] UNDP, "Capacity Development Facility for Kosovo", Project Document, (2004), p. 5; Kirste, 2001, p. 26.
[141] Based on a story of a 13-year old boy, the drowning of the three Albanian children in the River Ibar was reported to have been caused by a group of Serbs who were chasing the boys with a dog. This allegation was later disproved by international experts. In a report investigating the events into

throughout Kosovo in a short span of time, the riots became a test case for both the international community represented by UNMIK and KFOR and for Kosovo's provisional institutions to demonstrate their capacity and commitment to the rule of law, to law enforcement and to maintaining a multi-ethnic society.

Picture 7.2. Properties belonging to minority communities were set on fire during the riots which involved more than 50,000 ethnic Albanians. (Photo courtesy of a member of the KFOR-Turkish brigade based in Prizren).

During the 17-19 March riots, which Kofi Annan described as "an organised, widespread and targeted campaign" led by Kosovo Albanian extremists against the members of Serb, Roma and Ashkali communities,[142] there were 19 deaths, of whom 11 were Albanians and 8 were Serbs, injuries to more than 900 persons,[143] and displacement of over 4,000 minority community members.[144] Approximately 730 houses belonging to Serbs, Roma and Ashkali, and 36 Orthodox churches and monasteries were burned down, and dozens of UNMIK and KFOR vehicles were set on fire.[145]

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the riots, OSCE criticised Kosovo's media for promoting "reckless and sensationalist" reporting that fanned the deadly clashes between 17 and 19 March 2004. For further information, see OSCE, *The Role of the Media in the March 2004 Events in Kosovo*, (Vienna: Office of the Representative on Freedom of the Media, 2004), available at http://www.osce.org/documents/rfm/2004/04/2695_en.pdf [accessed 27 December 2006].

[142] United Nations, "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", *Security Council Document*, S/2004/348, (30 April 2004d), para. 2.

[143] Ibid., para. 3.

[144] Ibid., para. 22.

[145] Ibid., para. 3.

Picture 7.3. Unable to prevent the spread of riots into Prizren, UNMIK police watch the angry crowd destroying a police vehicle. (Photo courtesy of a member of the KFOR-Turkish brigade based in Prizren).

The violent events, which the international security organisations – KFOR troops and UNMIK civilian police – and Kosovo's police officers and protection corps failed to control, highlighted two important problems: (1) five years into the administration of the province, the international community had failed to bring sustainable peace and security to Kosovo, and to lay the foundation of multi-ethnic co-existence, and (2) Kosovo's provisional institutions were suffering from lack of competency, professionalism and democratic political culture.

KFOR and UNMIK police were primarily responsible for providing security and restoring law and order because while in many areas such as education, health, environment and social affairs, UNMIK had transferred responsibilities to the Kosovo government, it had retained full authority in security, foreign policy and justice. As of December 2003, there were 3,735 international police officers from 48 countries in Kosovo.[146] The size of the UNMIK police was reduced to 3,248 in

[146] United Nations, "Report of the Secretary-General on the United Nations Interim Administration

March 2004.[147] Prior to the clashes, KFOR's total strength was at approximately 18,500 troops.[148] Failing to take measures to contain the events in the two ignition points (Caglavica / Čaglavica and Mitrovicë / Mitrovica), the international security organisations were also unable to prevent the spread of violence to other parts of Kosovo and protect the Serbs and other minorities,[149] despite the intelligence that some extremist Albanian groups were travelling across Kosovo to agitate the people against the Serbs and join the rioters.[150] In Vushtrri / Vučitrn in north central Kosovo, for example, 69 houses belonging to the Ashkalis were burned down with no response from either French KFOR or UNMIK police, and in Prizren in the south, German KFOR failed to respond to requests by UNMIK police to provide assistance in stopping the destruction of Serbian religious and cultural buildings dating back to the fourteenth century and the burning of Serb homes.[151]

In the absence of KFOR and UNMIK, the dire security situation was left to the Kosovo Police Service (KPS)[152] whose performance was mixed.[153] While some KPS officers worked with professionalism and courage during the riots, some were reported to have acted passively or joined the rioters.[154] With regard to the controversial KPC, it played a minimal role during the violent events, largely confining itself to its barracks. In some regions, it was used by US KFOR to calm crowds and allowed to mount joint patrols.[155] Some KPC personnel performed well, some were reported to have departed or participated in burning the houses of the Serbs in Ferizaj / Uroševac in southern Kosovo.[156]

The response of Kosovo's Albanian-dominated Assembly and government to the violent riots was ambivalent. Prime Minister Bajram Rexhepi appealed for calm and an end to the violence while some other members of the provisional institutions,

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Mission in Kosovo", Security Council Document, S/2004/71, (26 January 2004c), p. 18.
[147] Idem, 2004d, p. 17.
[148] "KFOR Provides Test Bed for NATO Transformation", KFOR Chronicle, (2 March 2004), http://www.nato.int/kfor/chronicle/2004/chronicle_02/16.htm [accessed 22 May 2007].
[149] Human Rights Watch, *Failure to Protect: Anti-Minority Violence in Kosovo, March 2004*, 16:4 (July 2004), pp. 20-22; International Crisis Group, 2004, pp. 19-20.
[150] Interview with Dr. Ismail Yilmaz, UNMIK Municipal Representative, (Prishtina / Priština, 8 September 2006).
[151] Human Rights Watch, 2004, p. 21.
[152] At the time of the clashes, KPS had 5,704 officers. United Nations, 2004d, p. 17.
[153] Human Rights Watch, 2004, p. 22.
[154] Ibid., p. 22; International Crisis Group, 2004, p. 20.
[155] Human Rights Watch, 2004, p. 23; International Crisis Group, 2004, p. 23.
[156] International Crisis Group, 2004, p. 50.

instead of focusing on stopping the violence, appeared to have blamed the events on the continued existence of Belgrade-sponsored Serbian parallel structures, the death of the Albanian children, the division of Mitrovicë / Mitrovica, and UNMIK.[157] An Albanian member of the Kosovo Assembly, for example, in an interview broadcast on TV, described the riots as "a legitimate revolt by the Albanian population…[and] a lesson for the international community".[158] It was only after the international community condemned the violent riots that Kosovo Albanian leaders turned their attention from justifying or making explanations for the violence to the violence itself.

In response to the violent events, Kosovo's Serb political leaders withdrew from the province's provisional institutions. The Serb community boycotted the 23 October 2004 parliamentary elections. Only around 2,000 Serbs voted in the elections, corresponding to less than 1% of the potential Kosovo Serb electorate.[159] Rejecting the legitimacy of the Albanian-dominated provisional institutions, they relied on the Belgrade-sponsored parallel structures in education and health. The October 2004 elections, boycotted by the Serbs, also reflected the falling confidence of the Albanian population in the province's externally-built provisional institutions. The turnout, which was around 64% in the first general elections held in November 2001, fell to 53.57%.[160]

The UN, which tended to treat the absence of a violent armed conflict between the ethnic groups as a criteria for stability and "beguiled itself into believing that the patchy half-promises" to review Kosovo's final status by mid-2005 represented a working policy,[161] responded to the March 2004 violence by asking Kai Eide, Norway's Ambassador to NATO, to conduct a detailed assessment of the situation in Kosovo in order to clarify what went wrong in the province and recommend how the UN mission and its weakening credibility could be improved. Having pointed to the international community's failure to "read the mood in the

[157] United Nations, 2004d, para. 12; International Crisis Group, 2004, p. 25-6; King and Mason, 2006, p. 209.
[158] OSCE, 2004, p. 12.
[159] United Nations, "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", Security Council Document, S/2004/907, (17 November 2004e), para. 7.
[160] The certified election results can be seen at http://www.osce.org/documents/mik/2004/11/3775_en.pdf [accessed 7 October 2006].
[161] International Crisis Group, 2004, p. 1.

population and to understand the depth of the dissatisfaction of the majority and the vulnerability of the minorities",[162] Eide recommended (1) the adoption of a more integrated strategy, (2) replacement of the "unrealistically ambitious and unachievable" set of standards with an "achievable" set of priorities reflecting the most urgent requirements such as an improvement in security, return of displaced persons, improving decentralisation and local government, and promoting economic reconstruction, and (3) accelerating the devolution of competencies to local institutions to restore UNMIK's credibility and increase the capacity of local institutions.[163]

In Kosovo, government capacity has been undermined by a lack of qualified human resources and differences within the civil service. The capacity-development programme adopted by UNMIK and Kosovo's provisional government institutions in April 2001 required the recruitment or appointment of Kosovars to all senior and middle-level posts in the civil services and a systematic transfer of substantive responsibilities and authorities to them from international staff.[164] However, the limited availability of experienced and qualified senior civil servants to assume managerial positions became a major obstacle to creating an effective civil service in the province.

The civil service in Kosovo can be said to be comprised two kinds of staff: while there is one small group of young highly qualified educated officials with little or no relevant work experience and limited managerial leadership skills, there is another big group of experienced officials equipped with outdated, old style socialist approaches to management.[165] Coupled with a lack of sufficient resources and a deficit in experienced staff in government departments, the age problem also had an undermining effect on the capacity of Kosovo's provisional institutions to formulate and execute policies. Insufficiently staffed with experienced and qualified personnel, the Assembly and almost all departments in the Office of the Prime Minister suffer

[162] United Nations, "Letter Dated 17 November 2004 from the Secretary-General Addressed to the President of the Security Council", Security Council Document, S/2004/932, (30 November 2004f), p. 3.
[163] Ibid., pp. 15-18.
[164] UNDP, 2004, p. 23.
[165] Discussion with an UNMIK staff member, (Prishtina / Priština Municipality, 7 September 2006).

from weaknesses in developing policies and drafting legislation.[166]

In his comprehensive report evaluating the March 2004 riots and its consequences on the prospects of establishing long-lasting peace in Kosovo, UN Special Envoy Kai Eide concluded that capacity-building efforts undertaken by a number of external actors in Kosovo have been "sporadic, uncoordinated and of limited duration", yielding limited impact on strengthening the capacity of the province's provisional institutions.[167] The absence of an overall road-map regarding the future status of the province further aggravated problems with capacity-building, resulting in a little or no sense of 'ownership' of programmes introduced and implemented by external agents. The slow progress in the transfer of competencies to local institutions resulting from the reluctance of international state-builders to share authority and responsibility in decision-making with local stakeholders not only fuelled a growing political and social frustration but also contributed to the rise of a "culture of dependency" on external assistance, solutions, policies and guidelines, rather than empowering the institutions with the necessary competence to produce solutions in response to social and political demands.[168]

The slow progress in the devolution of competencies, on the other hand, was not the only factor that constrained the capacity of Kosovo's provisional institutions. Like in East Timor, the Kosovo police and justice system have remained "fragile".[169] Corruption and organised crime are the two biggest challenges Kosovo faces.[170] The Kosovo government failed to take and implement necessary administrative and legislative measures to effectively fight and prevent corruption in the provisional institutions.[171] The judiciary faces the challenge of processing cases effectively. The increasing backlog of cases, especially in property-related disputes, negatively

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[166] Michal Ben-Gera *et ai*., "Assessment of Administrative Capacity in Kosovo", Prepared for the United Nations Development Programme (UNDP), (April 2005), http://mirror.undp.org/kosovo/Projects/KCAP/KCAP_report_final_20050525_english.pdf [accessed 25 September 2006].
[167] United Nations, 2004d, p. 18.
[168] Discussions with an international staff member, (Mitrovicë / Mitrovica, 13 September 2006).
[169] United Nations, "Letter Dated 7 October 2005 from the Secretary-General Addressed to the President of the Security Council - A Comprehensive Review of the Situation in Kosovo", Security Council Document, S/2005/635, (7 October 2005b), para. 39.
[170] Bertram I. Spector, Svetlana Winbourne and Laurence D. Beck, "Corruption in Kosovo: Observations and Implications for USAID", *Management Systems International Final Report,* (Washington DC: 10 July 2003).
[171] United Nations, 2005b, para. 38.

affects the people's respect for implementing the rule of law, contributing to the emergence of a sense of impunity.[172] By failing to effectively respond to the crimes committed during the March 2004 riots, the court decisions, which were below the minimum" applicable penalty established by the law, further contributed to the rise of a climate of impunity.[173]

In addition to the lack of sufficient domestic capacity and will to implement and enforce policies, the absence of social unity has further undermined Kosovo's provisional institutions' ability to effectively perform their functions. The differences of opinion between the Serbs and Albanians regarding the future status of the province reflect the absence of a sense of social cohesion, which weakens the capacity of Kosovo's provisional institutions. According to the results of a UNDP opinion survey, for example, 93.4% of Albanian respondents said independence was the best solution for the future status while 89.5% of the Serbs thought autonomy within Serbia was the best option.[174] In other words, the former, which strives for independence, does not accept to be part of the Serbian political community. The latter, which is in favour of restoring Serbia's sovereignty, does not wish to be an Albanian-dominated political community. This could be seen in the continued presence of 'parallel' institutions, which were set up by Belgrade in the predominantly Serb-inhabited areas in the north of the Ibar River with the aim of partitioning the province along ethnic lines if Serbian rule cannot be restored. These 'parallel' structures, which demonstrate a high degree of "mistrust" between the Serbs and Albanians,[175] include courts, healthcare and education facilities and security guards, i.e. the so-called 'bridge watchers' and police of the Serbian Ministry of Interior Affairs.[176] These parallel structures crippled the ability of Kosovo's provisional government institutions to exercise political authority and deliver public services throughout the entire territory.

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[172] Ibid., paras. 35, 49.

[173] OSCE, *The Response of the Justice System to the March 2004 Riots*, (December 2005), http://www.osce.org/documents/mik/2005/12/17177_en.pdf [accessed 28 March 2007]; Human Rights Watch, *Not on the Agenda The Continuing Failure to Address Accountability in Kosovo Post-March 2004*, 18:4(D) (May 2006), available via http://hrw.org/reports/2006/kosovo0506/index.htm [accessed 28 March 2007].

[174] UNDP, "Early Warning Report Kosovo", Report No. 12, (October-December 2005b), p. 8, available at http://www.kosovo.undp.org/?cid=2,22 [accessed 16 December 2006].

[175] UNDP, 2005, para. 23.

[176] OSCE, *Parallel Structures in Kosovo 2006-2007,* (4 April 2007), available at http://www.osce.org/documents/mik/2007/04/23925_en.pdf [accessed 25 May 2007].

Despite the "uneven" progress in the standards implementation especially in establishing the rule of law, Kai Eide recommended the opening of status talks. Eide's recommendation was based on his conviction that although Kosovo's institutions' performance in meeting the standards was "mixed", postponing the question of future status would not necessarily yield "further and tangible results in the implementation of standards".[177]

The status talks between the Albanian and Serbian delegations, mediated by the Secretary General's Special Envoy, Martti Ahtisaari, were opened in February 2006 and yielded no result. While Kosovo Albanian leaders representing the 90 per cent of the province's estimated population of 2 million wanted nothing short of full independence, Belgrade insisted on substantial autonomy within Serbia. In February 2007, Ahtisaari unveiled his "compromise solution proposal", which envisioned bringing Kosovo to independence through international supervision.

The proposed solution for the future status of Kosovo endorsed the Albanian position regarding its secession from Serbia while rejecting the Serbian preference for partitioning the province if Belgrade's rule is not restored. The plan affirmed the promotion and protection of minority rights and their participation in public life and recognised the implementation of wide-ranging decentralisation measures in the Serb-dominated settlements.[178] Ahtisaari's proposal also foresaw a prolonged international military presence for an unspecified length of time and an international civilian office to be led by the EU whose representative would take over from the UN.[179] Ahtisaari's proposal, which was not fully satisfying for Kosovo Albanians, was welcomed by the Kosovo Albanian political leadership. It was immediately rejected by Belgrade. Bringing Kosovo to independence under EU supervision also failed to generate Russian support in the Security Council, creating a deadlock situation. The Ahtisaari plan also raised concerns about the international precedence that recognition of statehood to Kosovo may create for other separatist movements.

[177] United Nations, 2005b, para. 64.
[178] United Nations, "Letter Dated 26 March 2007 from the Secretary-General Addressed to the President of the Security Council", Security Council Document, S/2007/168 Add.1, (26 March 2007).
[179] Ibid.

7.4. Conclusion

Since it was temporarily placed under the UN administration in June 1999, Kosovo has gone through an externally-led liberal democratic state-building process. During the international administration of the territory, a constitutional framework, which provided the basis of the governmental and institutional restructuring, was adopted, municipal and parliamentary elections were held, and provisional self-government institutions were formed. However, the unresolved issue of status, limited international and domestic capacity to maintain security and implement the rule of law and the reluctance of the Serbs to recognise the authority of the provisional institutions undermined the prospects for creating a functioning government system in Kosovo. These issues became the major obstacles to undertaking a successful state-building process based on security-building, institution-building and capacity-building. Fragile conditions of peace and security fuelled a growing feeling of insecurity amongst Serbs and led them to leave the province or cluster together in ethnically-homogenous areas in northern Kosovo, resulting in ethnic segregation. Relying on Belgrade-funded parallel structures, which have existed as alternative centres of political power, the Kosovo Serbs rejected the legitimacy of UNMIK and Kosovo's UNMIK-built provisional institutions by suspending their already limited participation in the provisional institutions and boycotting the elections.

The Albanians, who were initially comfortable with the establishment of an international administration in Kosovo, were later frustrated with the delays in devolving competencies to local institutions and in the resolution of the root cause of the Kosovo conflict – the political status of the province. For the Albanians, the slow progress in the transfer of responsibilities to local institutions meant the international community's reluctance to recognise an independent Kosovo, which was already declared in the early-1990s. UNMIK's lack of accountability to the local institutions it created and its limited progress in devolving competencies to these institutions undermined the Albanian population's belief in the capacity of the province's provisional institutions. The falling turnout in the 2004 election, which was boycotted by the Serbs, in this context, can be read as an indication of weakening legitimacy of Kosovo's institutions in the eyes of the majority Albanians. Following

the decision to open status talks in October 2005, the relations between UNMIK and Kosovo's ethnic groups entered a new stage. However, due to the absence of a consensus on the issue of the province's political future, negotiations between Belgrade and Prishtina / Priština ended in a deadlock. In early 2007, the Special Envoy of the UN Secretary-General, Martti Ahtisaari, proposed a deal offering "supervised independence" to Kosovo. The Ahtisaari plan, which was agreed by the Albanian leadership, met strong opposition from Serbia and Russia. The Ahtisaari plan, which represented the resolution of the issue of Kosovo's status for some members of the international community, however, did not necessarily mean the end of uncertainties and the resolution of the Kosovo question for the parties involved in conflict.

Chapter Eight
Conclusion

Can sustainable peace be established by external actors through promoting democratic government structures in societies emerging from violent conflict? Does the UN have the institutional capacity to build effectively functioning democratic government institutions in post-conflict societies? What has been the outcome of the transitional / interim administrations set up in East Timor and Kosovo in terms of the establishment of long-lasting democratic peace? To what extent have the international administrations established in these two war-devastated territories contributed to laying the foundations for democratic rule and sustainable peace? These were among the research questions that this study has sought to explore.

The establishment of international territorial administrations under the auspices of the UN in Kosovo and East Timor in 1999 following military interventions with humanitarian objectives, as discussed in Chapters 2 and 3, represents a shift in the international community's approach to conflict and its resolution: from achieving the short-term goal of providing humanitarian assistance to civilians and ending armed conflict between warring parties to the long-term goal of building sustainable peace through assuming the responsibility of government and undertaking a post-conflict reconstruction process following a military intervention justified in humanitarian terms. The aim of such an undertaking was to prevent the recurrence of violent conflict, seen to be arising from the weakness or absence of effective and legitimate democratic public institutions and peaceful conflict resolution mechanisms. This new strategy was characterised by the exercise of extensive interventionist roles and powers in governmental affairs following military action undertaken to stop human rights violations and address the implications of violent internal conflict for regional and international security and stability. It was first tested in Kosovo and East Timor, which were temporarily placed under the

administration of the UN with a view to building sustainable democratic peace.

The UN's engagement in democratic peace-building in Kosovo and East Timor was influenced by the view that the weakness or absence of democratic government structures underlies violent internal conflicts. The introduction of democracy from the outside was seen as a practical policy instrument to enable marginalised individuals and communal groups to have access to the political decision-making process. In fact, it was considered as falling under the international community's responsibility to save 'failed' states. Democracy was expected to contribute to solving and/or preventing governance problems and thus ensure long-term domestic peace in conflict-devastated places. The solution to internal conflict, in other words, was transforming conflict-torn societies into democratic polities. Kosovo and East Timor, in this context, became experimental laboratories to test whether or not sustainable peace can be established after years of political, economic and social instability through introducing democratic government institutions and transferring institutional skills and competencies from the outside in the aftermath of military interventions.

Kosovo and East Timor also represented the two cases where the UN was least restricted in initiating and supervising a reconstruction process in the post-armed conflict period. This was not only the result of the availability of resources and the wide-ranging powers the UN was entrusted but it was also related to the fact that despite the large scale physical destruction and the legacy of armed conflict, the UN had relatively favourable conditions in Kosovo and East Timor compared to other post-conflict situations such as Afghanistan and Iraq. There was no insurgency or organised opposition against the presence of the UN and other members of the international community involved in the post-conflict reconstruction process. NATO's use of military force against Serbia, which was not based on an explicit UN Security Council Resolution, was justified in humanitarian terms, i.e., a necessary action to stop systematic human rights violations committed by the Milosevic regime. A large NATO-led international security force was deployed by the UN Security Council in the aftermath of the military intervention to provide a secure environment throughout the province. The establishment of the UN interim administration, mandated to govern the war-devastated territory and supervise the

development of provisional institutions for democratic and autonomous self-government pending a political settlement of the issue of Kosovo's future political status, was welcomed by the majority Albanians. In the case of East Timor, as noted in Chapter 5, the establishment of the UN administration in 1999 was seen by the majority of the population as an interim administrative arrangement necessary to stabilise the humanitarian and political situation and prepare the territory for independence. By establishing two large missions at the same time, the UN showed its willingness to undertake such a complex mandate of post-conflict reconstruction in two war-devastated territories. By endorsing the establishment of UNTAET and UNMIK in 1999, members of the international community demonstrated their commitment to the post-conflict reconstruction of Kosovo and East Timor.

The UN's engagement in democratic state-building in East Timor and Kosovo, which represents a contradiction between the goal and the means to achieve it (democratisation in a non-democratic way i.e., promoting political participation, representation, accountability and transparency through centralising all powers in the hands of a single, non-elected, external agent), can be evaluated in the following way.

As shown in Table 8.1., although UNTAET was able to put basic government institutions in place and write down basic formal rules and procedures for democratic statehood, it failed to develop routines and local capacities needed to run these institutions and implement rules and policies after its departure in May 2002. Public institutions, which have remained dependent on external assistance in the post-independence period, were further undermined by power struggles within the Timorese leadership, incomplete reconciliation at the elite and society level, and limited achievement in developing a shared sense of national cohesion on the basis of common historical, cultural and political bonds and a collective identity.

UNTAET	Achievements	Shortcomings
Security-building	• Provision of a secure and peaceful domestic environment and delivery of humanitarian aid in the aftermath of the post-referendum militia violence; • Repatriation of over 202,000 of the 250,000 refugees from West Timor by April 2002; • Prevention of an organised revenge campaign against the returnees suspected of being militia members and their families; • Cantonment of former FALINTIL troops and conclusion of a disarmament, demobilisation and reintegration programme; • Creation of a defence force and police service.	• Inadequate and incomplete disarmament of former militias and FALINTIL guerrillas; • Dissatisfaction and growing resentment within the veteran community caused by problems with the selection of former guerrillas into F-FDTL and identification of FALINTIL Reinsertion Assistance Programme beneficiaries; • Politicisation of F-FDTL and PNTL, aggravating weaknesses within the security institutions and contributing to their competitive development.
Institution-building	• Formation of political parties and organisation of a constituent assembly and presidential elections • Drafting and adoption of a constitution • Creation of key institutions of democratic government, including a parliament, government and judiciary; • Supervision of political independence and transfer of sovereign powers to Timorese authorities.	• Incomplete consolidation of formal institutions of democracy; • Fragile government institutions, dependent on external assistance and solutions to respond to social demands; • Strong executive but weak legislative and judicial branches.
Capacity-building	• Recruitment of 11,000 Timorese civil servants; • Provision of on-the-job training programmes to strengthen a professional civil service.	• Insufficient engagement in identifying and building upon existing local skills; • Slow progress in "Timorisation" and UNTAET's reluctance to share administrative authority with local stakeholders; • Reliance on international staff; • Limited ability to develop institutional procedures and frameworks; • Limited skills transfer and insufficient achievement in creating a sense of 'ownership'.

Table 8.1. UNTAET's engagement in building a democratic state in East Timor (1999-2002)

UNMIK	Achievements	Shortcomings
Security-building	• Supervision of the withdrawal of Serbian armed and police forces; • Conclusion of a demilitarisation agreement with the KLA; • Reintegration of former KLA guerrillas into civilian life through recruitment into a civil security and emergency force (KPC) and Kosovo Police Service (KPS); • Repatriation of Albanian refugees and displaced persons; • Creation of a multi-ethnic Kosovo police force (85% Albanians, 8% Serbs and 7% other minorities); • Provision of a minimum stability (absence of violent armed conflict between ethnic groups).	• Slow deployment of international security forces and their inability to prevent organised revenge attacks against non-Albanian minority communities following the withdrawal of Serbian authorities; • Departure of tens of thousands of members of non-Albanian minority communities; • Incomplete demilitarisation of KLA guerrillas; • Despite a progress in domestic peace and security, incapacity of international and local security institutions to maintain a sustainable improvement in security and peace; • Insufficient capacity to fight against organised crime; • Failure to eradicate the structural causes of violence (inability to build positive-peace).
Institution-building	• Dissolution of Albanian parallel institutions; • Drafting and adoption of a constitutional framework; • Formation of political parties; • Organisation of local and general elections; • Construction of provisional democratic institutions including a parliament, government and judiciary; • Allocation of quotas to ethnic communities in government institutions with a view to preventing their marginalisation or exclusion from the political process.	• Establishment and maintenance of Serbian parallel institutions in northern municipalities; • Rise of ethnic-based parties; • Notion of representation based on ethnicity and ethnic group participation and competition; • Institutionalisation of divisions of power along ethnic lines; • Incapacity of the Kosovo judiciary and police to establish the rule of law and eliminate the rising sense of impunity; • Incapacity of government institutions to gain the trust and ensure the participation of the Serbs in the provisional institutions.
Capacity-building	• Local civil servants were employed at central and municipal levels; • Seminars and training programmes were offered to strengthen governmental capacity; • A set of objectives and benchmarks developed to strengthen administrative capacity; • A political process designed to determine Kosovo's status was initiated.	• Minority employment in the civil service remained unsatisfactory; • Slow progress in the devolution of competence to local institutions; • Delays in addressing the issue of status undermined the leverage of standards process; • Limited capacity of government institutions to set the rule of law, enforce law and maintain multi-ethnic society; • Limited outreach capacity of government institutions to exercise political authority throughout the entire territory of Kosovo due to the continued existence of Serbian 'parallel' structures; • Insufficient achievement in generating a sense of 'ownership' of policy initiatives.

Table 8..2. UNMIK's engagement in democratic state-building in Kosovo (1999-2007)

As summarised in Table 8.2., under UNMIK, provisional self-government institutions were formed, general and local elections were held and local civil servants were recruited into the newly established civilian administration in Kosovo in the post-1999 period. Although the provisional government institutions were put in place, the lack of clarity over the province's political status, absence of social unity, continued existence of 'parallel' structures in northern municipalities, international and local security institutions' limited progress in alleviating the feeling of insecurity amongst members of non-Albanian minority groups specifically the Serbs had an undermining effect on the capacity of government institutions to fulfil their functions.

The inability of the UN and other members of the international community to turn the relatively favourable conditions available in the immediate post-armed conflict period into a constructive, sustainable reconstruction process can be said to have led to the above-noted mixed results in these two-post-conflict territories. The international community failed to create a new type of intra-societal relations based on inter-ethnic cooperation and dialogue despite their frequent reference to the need to build a stable, unified, multi-ethnic Kosovo for establishing long-lasting domestic and regional peace. They were unable to guarantee the security and freedom of movement of non-Albanian groups and prevent their departure in the immediate post-NATO intervention period. This "original sin"[1] of the international administrators and security providers in Kosovo in preventing violent attacks on Serbs undermined the already fragile perceived impartiality of international administration in the eyes of the Kosovo Serbs. In this respect, Alexandros Yannis, who served as a political advisor to the first Special Representative of the UN Secretary-General in Kosovo between July 1999 and December 2000, suggests that this particular failure of the international community during the early stage of the mission led many Kosovo Serbs to see the establishment of the UN administration as part of the "Kosovo Albanian plan" for achieving independence and expelling them from the territory.[2]

[1] Pekmez, 2001, p. 7.
[2] Yannis, 2001, pp. 40-41.

The international community also had limited success in responding to local socio-economic demands and needs such as unemployment and economic development and failed to initiate a political process to find a mutually acceptable solution to the issue of status in a timely manner. UNMIK's reluctance to delegate authority to the newly created Albanian-dominated provisional institutions further complicated the relations between the UN and the local populations, characterised by a growing sense of frustration with the international administration. This, in turn, had an undermining effect on the capacity and functioning of the provisional institutions to ensure political stability and economic prosperity. According to the UNDP opinion polls, popular satisfaction with UNMIK declined from 57.8% during the period of September-December 2002[3] to 28.4% in September-December 2003, and to 24.7% in January-April 2004.[4] Unemployment, poverty, lack of progress in the issue of Kosovo's future political status, social problems, and personal and public security were among the main areas of dissatisfaction reported by members of various ethnic groups.[5] The international community's inability to "read the mood in the population and to understand the depth of the dissatisfaction of the majority and the vulnerability of the minorities", as Norwegian Ambassador Kai Eide emphasised in his report to the UN Secretary General in 2004, prepared the ground for the March 2004 riots, which undermined the already fragile peace process in the UN-run province. As discussed in Chapter 7, the attacks on UNMIK and KFOR vehicles during the March 2004 riots indicated the growing dissatisfaction with the international administration.

As shown in Chart 8.1. below, although there was a significant increase in levels of satisfaction with the performance of the main governing institutions of Kosovo in late-2004 and early-2005 following the formulation of new policies regarding the issue of status and economic development, popular satisfaction with UNMIK and other public institutions continued to drop. As of March 2007, just after Martti Ahtisaari, Special Envoy of the UN Secretary-General, presented his proposed solution of the international community-supervised independence for resolving

[3] UNDP, 2002b.
[4] UNDP, 2004c.
[5] Ibid.

Kosovo's political status, UNMIK, which was rated at 26%, had the lowest popular approval rating.[6] In the same way, the provisional institutions of self-government, which enjoyed high satisfaction levels of around 70% in 2003 and 2004, were rated at only 30%, while only 31% of Kosovars indicated their satisfaction with the performance of the Kosovo Assembly.[7]

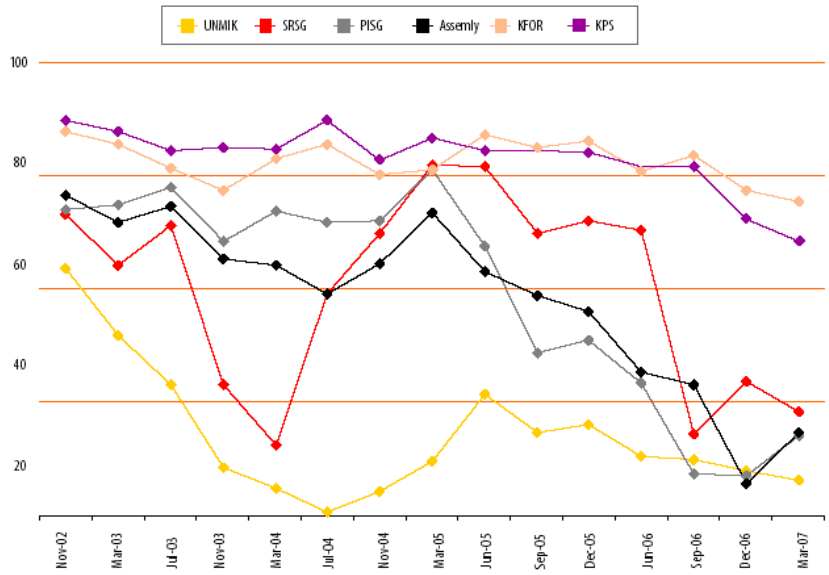

Chart 8.1. Levels of satisfaction with the performance of main institutions in Kosovo between November 2002 and March 2007 (Source: UNDP, 2007, p. 15).

In the case of East Timor, as noted in Chapter 5, the establishment of the UN transitional administration in 1999 was seen by the majority of the population as a necessary interim process to stabilise the humanitarian and political situation and prepare the territory for independence.[8] In addition to this, the deployment of the Australian-led multi-national security force (INTERFET) to restore law and order in September 1999 led to the departure of pro-Indonesian militias.[9] By the time UNTAET was established, INTERFET was already in control of the territory. The East Timorese elites were more or less united within the CNRT, the pro-independence umbrella organisation. However, UNTAET's limited understanding of the nature of the conflict and local political, social and cultural conditions, its failure to initiate a systematic and sustainable demobilisation and reintegration process for

[6] Idem, "Early Warning Report: Kosovo January-April 2007", No. 16 (Prishtina, 2007).
[7] Ibid.
[8] Goldstone, 2004.
[9] Ibid.; Shurke, 2001.

former guerrillas and its reluctance to recognise the CNRT as a legitimate local interlocutor not only accelerated the CNRT's disintegration and contributed to the intensification of political and societal competition, but also led to the stagnation of relations with Timorese political figures.[10] In other words, as in Kosovo, the UN failed to take advantage of the relatively favourable conditions available in East Timor in the immediate post-armed conflict period. In both territories, the capacity of newly established administrative and institutional structures to ensure political stability and economic prosperity was dependent on the perception of the local populations that the international community-supervised institutions had the ability to provide solutions to local problems. In other words, the prospect of the democratic state-building process was dependent on creating a strong sense of domestic ownership. It is however impossible to generate a sense of ownership, as Kai Eide points to, "if the owners do not know what they own and what they are intended to govern".[11]

In addition to these problems, it is important to note that although the UN and other members of the international community emphasised their long-term goal of building sustainable peace through creating functioning, democratic institutional and societal structures in East Timor and Kosovo, they still approached the reconstruction of these two territories from a peacekeeping perspective[12] and continued to rely on their short-term objectives and achievements as a benchmark for evaluating their performance. That is, the absence of armed conflict (or negative peace) has often been treated as the criteria for measuring political stability and democratic peace in Kosovo and Timor-Leste. As investigated in the previous chapters, it was not until the outbreak of violent riots in Kosovo in March 2004 and in Timor-Leste in April 2006 following the disintegration of security institutions that the UN reviewed its policies and adopted a more integrative approach to addressing governance and institutional problems in these two places.

The UN's and other international actors' involvement in promoting democratic governance in Kosovo and East Timor in the post-1999 period once more demonstrates that democratisation of conflict-affected societies is a process that is

[10] Chopra, 2002; Soares, 2001.
[11] United Nations, 2004d, para. 14.
[12] Shurke, 2001; Martin and Mayer-Rieckh, 2005.

affected by the interplay of a number of domestic and external factors. Domestic factors that affect the direction of transition, which is characterised by uncertainty,[13] are not limited to but include prior political systems and their legacy, the nature of intra-societal relations, the choice of governmental and institutional designs, and the commitment of local political elites to the process of political reconstruction and institutionalisation in the post-armed conflict period. External factors include the international community's interest in addressing conflict and its domestic and trans-national effects, good knowledge of historical background of the conflict and actors involved, availability of political, financial and military resources for post-conflict reconstruction, and development of context-sensitive policies aiming to achieve the participation of relevant local populations in the reconstruction process and address short term and long-term political, economic and social development goals.

In this respect, it would be fair to suggest that the UN has gained considerable institutional experience in ending conflict and establishing peace through promoting democratic governance since its first engagement in democratic peace-building in Namibia where it organised the first multi-party elections in 1989 to supervise the territory's political transition to independence. The world body has developed a number of policies to address challenges specific to post-conflict settings. These policies included the integration of military and civilian agencies into post-conflict reconstruction and the undertaking of a comprehensive peace-building process through demobilising and disarming former combatants, undertaking security sector reform, establishing institutional and bureaucratic organisational structures and providing civic education with a view to building the basis of an effectively functioning, democratic state system. Despite its experience in dealing with governance problems and its ability to develop multi-dimensional policy instruments to meet security and humanitarian needs specific to post-conflict-settings, the UN's capacity to respond to post-conflict reconstruction has been undermined by its tendency to pursue the 'best practice' approach. That is, regardless of the specific local political, social and cultural factors and dynamics arising in each post-conflict situation, the UN and other members of the international community tended to apply the same model of democratic peace-building strategy to every society. Furthermore,

[13] O'Donnell and Schmitter, 1986.

the UN's capacity to establish the institutional and societal basis of sustainable peace is also weakened by insufficient coordination within and between the UN and other international agencies.

These problems, in turn, limited the prospect of laying the foundations for self-sufficient, stable, democratic government institutions in Kosovo and East Timor. As discussed earlier, there were significant differences between the two cases although both territories had recent experience of violent conflict. They differed in terms of the nature and historical background of the conflict, its root cause and the type of prior political regimes as well as socio-economic structures and intra-societal relations prior to and after the international intervention. The UN, however, failed to see these differences and adopt context-sensitive policies to address the specific problems and issues that arose in each case. Instead, the East Timor mission was designed by the Department of Peacekeeping Operations (DPKO) of the UN on the basis of the Kosovo mission established in June 1999. This, in turn, constrained UNTAET's capacity to address specific challenges and difficulties encountered in East Timor and led to tensions between international state-builders and local political actors.[14]

As suggested throughout this thesis, the construction of efficient government institutions is not the only factor that affects the prospect of peaceful and democratic development of conflict-affected societies. As discussed in the first three chapters, state 'strength' is not only about the capacity of government institutions to fulfil their regulatory and extractive functions but also about the ideas or attitudes of individuals and social groups within the polity towards the state and its institutions as well as towards each other. The reconstruction of conflict-torn societies as self-sufficient, peaceful entities, in other words, requires the tackling of the question of "nationness" or issues related to creating a sense of a shared "imagined community". The development of a sense of unity in post-conflict societies can be addressed through the recognition of the plural character of the society and the inclusion of diverse ethnic or cultural groups in political and societal life. An overarching collective identity binding these diverse groups can be promoted through institutions seen to be representing common values and made up of individuals from different groups. The

[14] Goldstone, 2004; Beauvais, 2001; Traub, 2000.

construction of efficient government institutions and bureaucratic structures (state-building) and the development of a sense of national unity (nation-building), which refer to the end-results of the two complementary and interacting processes that conflict-affected societies pass through in the post-armed conflict period, in other words, affect the prospect of the international community-supervised democratic development of post-conflict societies.

The achievement of unity entails the creation of a sense of cohesion within the political elite and society. The notion of national unity in post-conflict societies can be developed through undertaking a reconciliation process, promoting social communication and developing an overarching collective identity across diversity. Reconciliation aims to transform relations between individuals and groups from antagonistic to accommodative. Social communication, which is about the transmission of information within the society, helps to bind a group of people as a nation, made up of individuals who are willing to continue living together within the same political community. National identity, which can be created in different ways, is about the institutionalisation of a collective identity constructed upon cultural, linguistic, religious, political, legal and territorial ties.

In the case of East Timor, the ending of the 24 years of brutal Indonesian occupation in 1999 provided the politically and socially divided East Timorese people with a historic opportunity to discuss the painful aspects of the territory's turbulent history, and resolve and heal the past divisions. To this end, a comprehensive community reconciliation programme, endorsed by the UN, was put into practice. With a view to clarifying the truth of what happened in the past, a truth commission was established by the UN. A serious crimes process to investigate crimes against humanity, war crimes and other human rights violations committed between 1974 and 1999 was also initiated by the UN to endorse the reconciliation process. The holding of public hearings, where victims shared their experiences and stories, in this context, was an important step for generating social communication, clarifying the question of what happened in the past, preventing social amnesia and creating accountability for the perpetrators of past crimes.

The achievement of independence, which enabled the East Timorese people to freely communicate with each other, also meant the recognition and

institutionalisation of an inclusive East Timorese national identity. As discussed earlier, the idea of East Timorese nation during the years of resistance was based on a sense of collective victimhood at the hands of the Indonesian military. The ending of Indonesian rule, in this context, marked the beginning of a new process resulting in the construction of a new sense of national unity around shared characteristics. History narrated as a continuous struggle against foreign domination, Catholicism, which became an expression of Timorese national identity in the struggle against Indonesia, and Tetum, spoken and understood by the majority of the population, were among the unifying elements of such an inclusive collective identity.

Several factors, however, impeded the development of a new sense of national unity based on shared characteristics in the post-Indonesian period. The limited capacity of the Timorese government to hold the perpetrators of human rights abuses in the past accountable and bring justice to victims' families posed a serious challenge to achieving national integration. The senior Timorese leadership has pursued a pragmatist policy and been less supportive of the notion of pushing for the establishment of an international tribunal. The reasons for the insufficient progress in achieving reconciliation in the country included the Timorese government's concern with normalising relations with Indonesia and the limited availability of international political and financial support for the delivery of justice. Understandably, this created a sense of frustration among the individuals who had lost members of their family in the struggle for independence.

The promotion of social communication, which affects the integration of diverse linguistic, cultural or other social groups at the national level, has been constrained by several factors including underdeveloped communications and transportation systems and language policies. Timor-Leste's insufficient communications and transportation infrastructure resulting from damaged roads and bridges, geographic challenges, underdeveloped telecommunications networks outside the major urban centres, and limited access to electricity in rural areas have undermined (1) inter-regional communication, (2) links between the government in the capital and remote areas, and (3) the capacity to disseminate information and access to reliable information. Limited availability of electricity supplies and telecommunications and the poor strength of radio signal in rural areas have

constrained access to accurate and reliable information. In addition to these problems, social communication in the country is also hampered by the limited circulation of newspapers and low literacy levels. This is not to suggest that there is no flow or exchange of information within the East Timorese society but to point to communication problems arising from the lack of formal and accurate information channels available to the East Timorese people and the insufficient connection between them and the government. Uninformed or insufficiently informed about government policies and social and political developments at the local and national level, many people have become susceptible to rumours and speculation, which spread extremely fast especially during times of crises such as during the 2006 riots.

The decision of the senior East Timorese leadership to designate Portuguese as the primary official language neither facilitated communication and connection between the majority of the population and government nor encouraged a sense of unity and inclusion. It was spoken by fewer than 10% of the population at the time of independence. The choice of Portuguese tended to reinforce divisions which emerged just after the withdrawal of the Indonesians. Immediate divisions emerged between non-Portuguese speaking ordinary Timorese and well-educated Portuguese-speaking returned diaspora, who dominated government institutions. The definition of the East Timorese "high culture" by the elites to implement the principle of nation-state congruence and facilitate 'context-free communication' for upward social mobility[15] did not serve to achieve a general level of consensus on the character of the East Timorese nation, which is necessary for undertaking a successful democratisation process. This can be seen in the divergence of opinions between the Portuguese-educated senior Timorese leaders and Indonesian-educated younger Timorese. While the former argued that the Portuguese language was an essential element of Timorese national identity, for the country's Indonesian-educated youth the adoption of Portuguese was far from representing their idea of the East Timorese nation. According to the results of an opinion survey of 320 tertiary students in August 2002, an overwhelming majority of the respondents (83 %) indicated the "ability to speak Tetum" rather than Portuguese as "very important to being truly East Timorese". [16] The creation of East Timorese "high culture" in terms of the Portuguese language, in

[15] Gellner, 1983.
[16] Leach, 2003, p. 147.

this respect, can be seen as a political measure to facilitate the social or occupational mobility of those educated in Portuguese.

In addition to the language issue, regionalism emerged as another source of fragmentation in the country in the absence of a common enemy in the post-Indonesian period. The April and May 2006 riots sparked by the dismissal of approximately 600 soldiers, mostly from Western provinces of the country, from the national defence force further aggravated problems with achieving reconciliation and developing a sense of unity. The violent events in which the country's security institutions were involved resulted in the intensification of the regional differences-based division. The 2006 crisis also demonstrated the link between the way in which the state institutions are created and the way they are perceived and 'owned' by local populations. In other words, it showed the interacting characteristics of the processes of state-building and nation-building that the country has passed through in the post-Indonesian period. The recruitment process, resulting in the exclusion of some ex-guerrillas from the newly-created defence force and the selection of former Polri officers into the police service, fuelled a sense of alienation within the veteran community. The manipulation of this discontent by some opportunistic political figures for political gains had an undermining effect on the legitimacy of the country's security institutions. Resulting in the intensification of political rifts and intra-societal competition, this situation paved the way for the violent riots in the spring of 2006.

In the same vein, in the case of Kosovo, the efforts to create a unified multi-ethnic society in the post-1999 period through achieving reconciliation, promoting social communication and creating an overarching collective identity have been hampered by the persistence of a climate of distrust, lack of security and freedom of movement and the isolation of the Serbs and Roma. As discussed in Chapter 2, the development of a sense of unity across diversity requires the recognition of the plural character of the society, inclusion of ethnic, cultural or other groups in political and social life, and the creation of a unifying, overarching collective identity. Although the 'plural' character of the Kosovo society was formally recognised and the inclusion and representation of all ethnic groups in the provisional institutions was guaranteed by the Constitutional Framework, the idea or a sense of unified, multi-

ethnic society could not be created. Despite the efforts of moderate Albanian politicians and intellectuals to start a debate on a civic Kosovar identity to embrace all ethnic groups, ethnic identities tied to mutually exclusive narration of the territory's past have persisted in the post-1999 period. The Serbs who stayed inside Kosovo in the post-NATO intervention period clustered together in northern municipalities and ethnically-homogenous enclaves in central and southern Kosovo. They established their own 'parallel' institutions of education, security and health funded by Belgrade. The lack of social cohesion characterised by ethnic segregation, in turn, weakened the capacity of the provisional institutions to exercise authority and fulfil their regulatory and extractive functions throughout the territory.

The presence of 'parallel' institutions in Kosovo is a legacy of the past. They were first created by moderate Kosovo Albanian leaders in the early-1990s to weaken Belgrade's its claim to control the province. Following the withdrawal of the Serbian authorities in the post-NATO intervention period, the Serbs established their own 'parallel' political and social institutions in the post-NATO intervention period with a view to weakening the capacity and legitimacy of the international community-built provisional institutions. Educated in separated schools, the Albanian and Serb children and youth have had virtually no contact and communication in the last two decades. Relying on the nationalist media circulating one-sided, politics-dominated news and information, the Serbs and Albanians have had no exchange of information or views. Fuelling the already-existing prejudices and the sense of victimhood at the hands each other, this situation has reinforced the divisions between the two groups. The lack of contact and communication between the members of the two groups has hindered the opportunity for discussing the past and establishing a common ground for finding a mutually acceptable solution to the conflict.

Based on the above, the main problems related to creating a sense of unified community in Kosovo and Timor-Leste in the post-1999 period can be summarised in the following way:

	Process of nation-building in Timor-Leste	Process of nation-building in Kosovo
Social communication: transmission of information and contact within the society	a) Constrained by the choice of Portuguese spoken by a small elite; b) Poor communications and transportation facilities leading to limited or no communication and connection between the centre and remote areas; c) Limited circulation of newspapers and limited access to mass communications.	a) Virtually non-existent at the elite and community level; b) Segregation and polarisation of ethnic groups; c) Separation of schools; d) Reliance on competing sources of information.
Reconciliation: transforming antagonistic relations into accommodative interaction	a) Incomplete reconciliation at the community level due to limited progress in balancing reconciliation with justice; b) Limited progress in settling old ideological and personal differences at the elite level; c) Prevalence of the question of who fought for and who betrayed the national resistance in the post-independence period.	a) persistence of intolerance, mistrust and feeling of insecurity; b) continued prejudices and stereotypes; c(no reconciliation achieved at all.
Creation of a collective identity: recognition of the multi-ethnic / cultural character of the nation, inclusion of all groups in the political and social life, construction of a unifying, overarching collective identity	a) Weak definition of national identity in the absence of the 'enemy'; b) Divisions between 'insider' East Timorese and returned diaspora; c) Emergence of regional differences; d) Choice of Portuguese to form the East Timorese "high culture".	a) Non-existent, inclusive, civic identity unifying all ethnic groups; b) Strong ethnic identities; c) Growing sense of victimisation at the hands of the 'other'; d) Conflicting narrations of history tied to myths.

Table 8.3. Problems with creating a sense of cohesive "imagined community" in East Timor and Kosovo in the post-1999 period.

This thesis highlights the following points regarding the UN's engagement in building sustainable peace in Kosovo and East Timor through establishing democratic government structures in the post-1999 period. It is important to note that the discussion of the below points is not to produce a template and suggest that if a set of conditions are met, democratic peace can easily be established by the international community in conflict-affected societies but to point to certain aspects of the international community's engagement in democratic peace-building in these two conflict-affected societies which constrained its capacity to achieve the goal of building peace and security that does not require external involvement.

1. Sequencing of tasks in promoting democratic government in conflict-affected societies: Divided along political and ethnic lines, societies emerging from violent internal conflict have the least favourable conditions for undertaking a process of transition to democracy. Based on inclusiveness and public contestation, democracy,

as discussed earlier, involves two opposing elements.[17] While the former entails encouraging peaceful resolution of differences through participation and inclusion in the political decision-making process, the latter refers to opposition and mobilisation. This however potentially involves the risk of violence in post-conflict situations where political institutions are weak or polarised and the society is divided along ethnic or other lines. Democratisation of post-conflict societies, therefore, requires the sequencing of efforts: creation of functioning government structures with the capacity to provide security and respond to socio-economic needs (state-building) and a sense of unified national community (nation-building) before democratisation (democracy-building).

Providing personal and collective security, in this context, stands out as the most crucial aspect of the international community-led post-conflict reconstruction process. The creation of a secure environment entails implementing all necessary measures to end hostilities and eradicate structural factors that may derail the peace process. These measures include the disarmament and demobilisation of former combatants and their integration into civilian life process through creating employment opportunities and providing vocational training. It also includes the establishment of security institutions, seen to be legitimate and capable of maintaining security, law and order and representing all groups in society. This may facilitate gaining and reinforcing public trust and confidence in the state-building process. Providing security in post-conflict societies, in other words, entails the removal of all political, social, economic, environmental and physical barriers threatening the existence and identity of individuals and social groups.

The international security forces' initial inability in Kosovo to fill the security vacuum, enforce law and order, canton and disarm the KLA guerrillas and provide the security of non-Albanian minority groups following the withdrawal of Serbian authorities and their failure to protect members of non-Albanian groups during the violent events in March 2004 seriously hindered efforts to bring sustainable peace to the province and undermined the already weak hopes for creating a stable multi-ethnic society in Kosovo. Similarly, politicisation of the police service and national defence force and their rivalry undermined the capacity to enforce the rule of law and

[17] Dahl, 1971.

consolidate an effective democratic rule in Timor-Leste in the post-independence period.

Another significant aspect of this sequentialist approach is related to creating a sense of belonging to a shared "imagined community" shaped around common or similar values, interests, stakes and bonds that reflect a collective wish for living together within the same polity. In the case of conflict-affected societies, this can be facilitated through promoting and implementing participatory and inclusive aspects of democracy while postponing the implementation of its competitive components in the immediate post-conflict era. This entails promoting channels of social communication and ensuring the participation and inclusion of individuals in political and social processes. As noted in Chapter 1, ensuring the "strength" of states, which forms the underlying goal of the international community's engagement in rebuilding war-torn societies, is not simply about building instrumental capacities of statehood such as providing coercive and non-coercive public services, extracting resources and exercising autonomy but is determined by the ideas and attitudes of individuals within the society.[18] State strength involves the ideas and emotions of individuals about the state and the rightfulness of its claim to rule.[19] Furthermore, the attitudes and practices of individuals and groups toward each other, their acceptance and understanding of diversity and inclusion of diverse individuals and groups in social and political processes also contribute to the "strength" of states.[20] As discussed in Chapter 2, collective identities can be created around institutions seen as capable, responsive, representative and inclusive by the society.

In the case of East Timor and Kosovo, these could not be achieved. The East Timorese defence force and police service, for example, suffered from a legitimacy crisis arising from the way they were created.[21] The recruitment process caused a rising sense of frustration and alienation within the veteran community and the society as a whole.[22] The intensifying power struggle in the political sphere and the choice of Portuguese as the primary national language further complicated the situation, fuelling intra-societal competition and the alienation from the newly

[18] Holsti, 1991, pp. 82-84.
[19] Ibid., pp. 87-87.
[20] Ibid., pp. 87-90.
[21] UN Inquiry Commission, 2006, p. 18.
[22] Rees 2003, 2004; Wainwright, 2002; International Crisis Group, 2006.

created government institutions of non-Portuguese speaking Timorese, educated under the Indonesians. Increasing intra-societal competition was also manifested by the emergence of regional differences and social polarisation over the question of "who contributed to the resistance more".

Similarly, in Kosovo the international community-supervised provisional institutions had legitimacy issues. The continued presence of 'parallel' institutions in northern enclaves, which openly demonstrated the non-recognition of their authority by the Serbs, contributed to the undermining of their capacity in the eyes of the majority Albanians. The aforementioned steadily falling satisfaction ratings for UNMIK and Kosovo's provisional institutions and decreasing levels of participation in governmental and institutional structures illustrate this situation. As noted in Chapter 7, while the participation of the Serbs in the general elections in both November 2001 and October 2004 was negligible, the overall turnout declined from 64% in 2001 to 53% in 2004.

The lack of social cohesion in Kosovo and the weak sense of national unity in East Timor in the post-Indonesian period, in other words, contributed to the undermining of the capacity of government institutions to exercise authority and carry out their functions, inhibiting the prospect of democratic development of these two territories.

2. Accurate knowledge of the nature and historical background of conflict: In both Kosovo and East Timor, members of the international community focused on the final stage of conflict, i.e., outbreak of violence and physical destruction of the territories. Failing to grasp the historical background and root causes of conflict, the missions established in these two territories demonstrated limited cultural sensitivity and insufficient understanding of local dynamics of power structures. The missions, in other words, were not equipped with the right 'toolkit' and capacity to respond to specific difficulties and challenges both those inherited from the previous period as well as those that newly emerged in the post-armed conflict period. The root cause of the conflict in East Timor was the Indonesian occupation and the division in the society was between pro-independence and pro-Indonesian groups. Following the departure of the Indonesian authorities and pro-Indonesian militias, discredited by

the post-popular consultation violence, the armed conflict ended. Thus, the mandate of the transitional administration in East Timor was to supervise and complete a decolonisation process in cooperation with local actors rather than prevent the eruption of hostilities and violence between competing groups as in Kosovo.

In Kosovo, systematic human rights violations and assaults of the Serbian military and paramilitary forces against ethnic Albanians constituted the last stage of the Kosovo conflict, resulting from opposing sovereignty claims of the Serbs and Albanians. The two ethnic groups were living in segregation since the early 1990s when the province's autonomy was unilaterally abolished by Belgrade but the violence did not break out until the late-1990s. Hostilities between various factions did not cease to exist following the deployment of international civilian and military presence in the aftermath of the NATO intervention. The KLA-proclaimed 'provisional government' and Ibrahim Rugova's government were struggling for power when UNMIK was deployed and members of non-Albanian communities were targeted for revenge and forced to flee the province.

The international community, however, failed to take the appropriate approach and actions in both Kosovo and East Timor. Although UNTAET was mandated to supervise East Timor's transition to political independent statehood through building functioning, democratic state structures, it was designed as a peacekeeping mission aiming to end hostilities between warring parties. The mission, as noted earlier, modelled on the mission established in Kosovo where the nature of conflict was different. UNTAET did not treat the pro-independence umbrella organisation, CNRT, as a legitimate partner. In Kosovo, the international community, focused on the withdrawal of Serb authorities, recognised the KLA-government as a legitimate local actor and failed to prevent revenge attacks on the Serbs and their departure from the province. This, in return, undermined the UN's capacity to develop and implement policies in response to social needs, create a functioning cooperative relationship with local political actors and populations and achieve public trust in the externally-guided post-conflict peace-building and political reconstruction process.

3. Choice of local interlocutors and the development of consultation and accountability mechanisms encouraging local participation in decision-making: The collapse of formal administrative institutions does not necessarily mean that there is a political vacuum. Therefore, neither Kosovo nor East Timor, where formal administrative institutions fell apart following the withdrawal of the nominal governments, was a *tabula rasa*, a place where there was nothing or no political concepts or informal social institutions that everything had to be introduced or brought from the outside. The point was to identify existing local political actors and administrative skills, build on existing capabilities and develop accountability and participatory mechanisms with a view to preventing the alienation of groups from the political process, giving local stakeholders a voice in transitional governing structures composed of representatives of all groups, encouraging them to perform democratic tasks and roles and improve their capacity.

As discussed earlier, the missions established in Kosovo and East Timor were designed and detailed in the UN headquarters in New York without the participation of relevant local actors. As it was also noted, the establishment of the UN interim administration and deployment of the NATO-led international security force to Kosovo was realised following the acceptance of the Military Technical Agreement by Slobodan Milosevic after 11 weeks of intensive air strikes. In the case of East Timor, the Habibie administration agreed to the deployment of the Australian-led multinational force to restore law and order and the subsequent establishment of the UN transitional administration following the US threat to suspend military cooperation programmes with Indonesia and the World Bank and IMF threat of freezing international financial aid to the country, suffering from a serious financial crisis since the year 1997. The authority and legitimacy of these two missions, which derived from the UN Security Council Resolutions of 1244 and 1272, was based on military occupation.[23] Vested with all legislative and executive powers including the administration of the judiciary, the special representative of the UN Secretary-General acted as the transitional administrator to facilitate the democratic self-government of these two conflict-torn territories. This, in turn, made the establishment of participation, consultation and accountability mechanisms

[23] Ibid., p. 152.

extremely important to alleviate the effects of the exercise of what the late Sergio Vieira de Mello called "benevolent despotism".[24]

Several important institutional mechanisms such as the Interim Administrative Council and the Transitional Council in Kosovo and the National Council in East Timor were set up to create a sustainable connection between the international administration and local populations and bring local insights into the post-conflict reconstruction process. Despite the establishment of these institutional structures, the transitional administrator, who continued to exercise extensive executive and regulatory powers, remained accountable to the UN Security Council and the donor community while other members of the international civilian administration and security presence enjoyed legal immunity. Cases involving KFOR and UNMIK personnel, for example, were excluded from investigations by the Office of Ombudsperson,[25] established in Kosovo in late-2000 to address complaints from any person or entity in Kosovo regarding human rights violations and abuses of authority by UNMIK and emerging public institutions.[26] In addition to this, it is important to note that the jurisdiction of the Ombudsperson was restricted to providing advice and making recommendations.[27] In several reports issued in 2001 and 2002, Marek Antoni Nowicki, who served as the international Ombudsperson until 2006, criticised UNMIK's practice of holding arrested individuals in detention for extended periods of time before being brought before a judicial authority and of continuing to hold several individuals under arrest despite a release order by a judicial authority.[28] UNMIK officials responded to his criticisms by arguing that despite the two years into the mission, Kosovo still ranked as an "internationally-recognised emergency" that required "special measures that…allow authorities to respond to the findings of intelligence that are not able to be presented to the court system".[29]

The persistence of a 'top-down' state-building approach and the absence of real accountability, consultation and participation mechanisms in transitional

[24] Cited in Beauvais, 2001.
[25] UNTAET/REG/2000/47 (18 August 2000).
[26] UNMIK/REG/2000/38 (30 June 2000).
[27] Ibid.
[28] Chesterman, 2005, p. 148.
[29] Ibid., p. 149.

administrations established in Kosovo and East Timor, which represented an inconsistency between the principles introduced such as the rule of law and respect for human rights and the way they were practised, not only led to the stagnation of relations between the local populations and international state-builders but also set a negative model for democratic governance in these two places. Therefore, it is not surprising to observe authoritarian tendencies in the FRETILIN dominated-government and Parliament in Timor-Leste in the post-independence period.[30] In the same way, as Kai Eide pointed out the provisional institutions in Kosovo were undermined by politicians who "see themselves accountable to their political parties rather than to the public they serve".[31]

Implementation of the principles and values promoted and inclusion of local actors in the transitional government structures and thus in planning and implementation of institution and capacity-building initiatives and policies affect the capacity to respond to short, medium and long-term local needs, priorities and interests. Such an approach, which encourages local actors to produce solutions to social problems and needs, gives them a responsibility in implementing policies that they initiate and allows them to make mistakes from which they can learn, is more likely to increase local ownership and capacity than projects designed and undertaken by external actors with limited understanding of local conditions.

4. Identification of a clear end-point and achievable, realistic targets, time-frames and benchmarks: Mandated to supervise the political transition of the East Timorese people to independence, UNTAET was expected to achieve a liberal democratic transformation in 'two to three years'. This time-frame, as noted in Chapter 5, was set by then UN Secretary-General Kofi Annan on the basis of donor countries' willingness and commitment to provide financial and political support for the reconstruction of East Timor. Given the scale of physical destruction and emergency of humanitarian needs, caused by the post-ballot militia violence, and complexity and difficulty of the task at hand, developing self-sufficient, democratic government structures and generating a sense of national cohesion in such a short span of time

[30] Sven Gunnar Simonsen, "The Authoritarian Temptation in East Timor: Nationbuilding and the Need for Inclusive Governance", *Asian Survey*, 46:4 (July / August 2006), pp. 575-596. See also, International Crisis Group, 2006c; Hohe, 2004.
[31] United Nations, 2005b, para. 19.

was an unrealistic target. Thus, although the presence of a clearly-defined end-point, i.e., preparing the Timorese for independence, facilitated the undertaking of a smooth institution and capacity-building process, the short time-frame created anxiety on the side of international actors to produce quick results and led them to concentrate on short-term achievements.

The interim administration in Kosovo, on the other hand, was established for an indefinite period. Although this may be interpreted as the international community's enthusiasm to provide a long term political and economic assistance in building and consolidating functioning democratic government institutions in Kosovo, the absence of a time-frame for UNMIK's mandate and UNMIK's inability to initiate a political process to resolve the root cause of the conflict created tensions between the Albanian political leaders and international state-builders. While the Albanian stakeholders were frustrated with the maintenance of Serbian 'parallel' institutions in northern municipalities and Belgrade's uncompromising position and were impatient to assume the responsibility of government, UNMIK was reluctant to devolve competence and authority to the local structures before they proved fully capable of managing domestic affairs. In order to overcome these tensions, which stagnated relations between the international community and local actors, UNMIK initiated the policy of "standards before status" but it failed to revitalise the political process because it was seen by the Albanians as a temporary measure to keep them busy and by the Serbs as the road to independence. The lack of progress over the issue of final status, resulting from delays in clarifying the content of a set of "highly ambitious"[32] benchmarks and UNMIK's reluctance to delegate competencies and authority to local institutions, fuelled frustration amongst the Albanians, for whom the immediate achievement and recognition of independence was the only solution to the province's political and economic problems. Uncertainty over final political status, in return, hindered efforts to undertake a sustainable democratic peace-building process in Kosovo and undermined the capacity of the international community-led provisional institutions. Thus, the identification of (1) a clear end-point, (2) achievable targets developed on the basis of local needs, dynamics and contexts rather than against a set of externally-designed criteria, and (3) realistic

[32] Eide, 2004, p. 4.

time-frames is the key to establishing functioning government structures with a view to establishing the institutional background of a successful transitional process in post-conflict societies. This also entails the inclusion and participation of relevant local actors in the process. That is, as discussed in Chapters 2 and 3, the reconstruction of post-conflict societies requires taking into account local political, social and cultural factors and processes while evaluating the progress in developing local governmental and institutional capacities rather than relying on a set of externally-defined, 'ideal' criteria for state 'success / strength'.

5. Developing local administrative and institutional capacity and the capacity of international capacity-builders: The departure of Indonesian and Serbian administrative staff in East Timor and Kosovo and the absence of faith in the technical and managerial skills and capacity of the local population led UNMIK and UNTAET to recruit and rely on expatriate staff to facilitate policy-making and deliver basic services. While performing public services, international staff was expected to advise their separately recruited local counterparts and transfer skills and competencies to them. Focusing on individual skills transfer through mentoring and coaching rather than on institutional procedures, training programmes resulted in limited achievement in building the local capacity. Many of the international staff with varying levels of skills and expertise recruited in East Timor and Kosovo carried out daily administrative tasks and had little time for on-the-job training. In addition to the lack of time, limited training and coaching skills of international consultants resulted in an insufficient transfer of technical knowledge and skills. Therefore, the recruitment of international personnel with relevant professional experience as well as training, teaching and communications skills denotes another significant aspect of the post-conflict reconstruction process; achieving the best results expected from training and mentoring programmes.

This thesis concludes that establishing sustainable peace through promoting democratic governance in conflict-affected societies such as Kosovo and East Timor requires not only the presence of efficiently functioning government structures but also the resolution of the question of "nationness" in the first place. The lack of or a weak sense of social cohesion tends to increase political and social competition and

undermine the capacity of government institutions built by the international community. The presence of a functioning governance system and a sense of national cohesion, which denotes the end-results of the two complementary and interacting processes (state-building and nation-building) that post-conflict societies go through, in other words, determines whether an international community-led post-conflict reconstruction can be successful.

Promoting communication and reconciliation at individual and group level and developing an inclusive collective identity signify the crucial aspects of the process of generating a sense of cohesion and peaceful co-existence in the post-armed conflict period. The pursuit of an inclusive and participatory approach, in this context, becomes extremely important to create a sense of intra-societal cohesion and loyalty to the newly established government structures as well as to implant democratic principles and norms such as political representation, participation and accountability. It may help to achieve a sense of ownership of the post-conflict reconstruction process and ensure the sustainability of institutions seen as being designed in response to local needs.

Given the fact that it took centuries for contemporary Western democracies to evolve and reach today's level at the end of wars, uprisings, internal struggles and frictions, it seems unrealistic to expect societies emerging from violent conflict to achieve a liberal democratic transformation in a short span of time. This is not to suggest that democracy, which, in the words of Winston Churchill, is "the worst form of government, except for all those other forms that have been tried from time to time", should be sacrificed or neglected but to say that it should follow state-building and nation-building, which interact with each other and affect the prospects for democratic transition and consolidation. Again, this is not to suggest that democratic consolidation in societies with little or no prior democratic experience is expected to take centuries but to emphasise that democratisation of conflict-affected societies is affected by the interplay of internal and external factors and it requires time and long-term commitment of local and international actors to addressing political, social and economic processes and contexts that led to the outbreak of violent conflict in the past and creating conditions conducive to sustainable peaceful development.

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